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against Women

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Initial reports of States parties

AUSTRALIA

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INTRODUCTION

During that period between preparation of Australia's Report to CEDAW and its consideration by the Committee, considerable progress has been made in several areas of importance to the Convention.

This supplementary Report describes those activities and initiatives undertaken by Australia to further improve and progress the status of women, and reflects the Australian Government's ongoing commitment to the terms of the Convention.

The Supplementary Report provides updated advice on material contained in Australia's initial Report and also identifies and addresses issues which have arisen since completion of that document.

For ease of reference information contained in the supplement is presented in accordance with the order of individual articles of the Convention.

PART 1 - BACKGROUND

CONTEXT IN WHICH AUSTRALIA'S NATIONAL MACHINERY FUNCTIONS

The Prime Minister has executive responsibility for status of women matters. He is assisted in this responsibility by the Minister Assisting on the Status of Women, Senator Susan Ryan, who is also currently the Special Minister of State and Minister Assisting the Prime Minister on the Bicentenary and Minister Assisting the Minister for Community Services and Health, a member of the Cabinet (and one of three women Ministers).

Details relating to the key elements in the national machinery are provided below.

The Office of the Status of Women, in the Department of the Prime Minister and Cabinet

The Department of the Prime Minister and Cabinet advises and supports the Prime Minister in his various responsibilities as head of government. The functions of the Department derive from these responsibilities and broadly concern:

- government policy decision-making;
- the Prime Minister's responsibilities relating to the central machinery of government (including supporting the Cabinet and its Committees and the Prime Minister as Cabinet Chairman);
- particular executive responsibilities assumed by the Prime Minister. These at present include:
  - development of policies and administration of programs relating to the status of women and multicultural affairs;
  - co-ordination of the 1988 Bicentenary celebrations.

Through its central position in the Government decision-making process, and through its access to the proposals and submissions of all other Commonwealth departments, the Department of the Prime Minister and Cabinet is in an excellent position to monitor the overall impact of government policies and programs on women. As in other areas of Departmental concern, its role is to co-ordinate all policies so that they support the major thrust of the Government's objectives - in this case to advance the status of women. This is done by all areas of the Department in consultation with the Office of the Status of Women, which is the focus of government activity to advance the status of women. The

Office also initiates and administers policies and programs designed to raise the status of women, is involved in consultation with women and provides relevant information to and about women.

In this context, the Office examines a broad range of issues including income security, employment and education opportunities, legal rights, child care, health, housing and Government-funded services. The Office carries out its role through:

- providing relevant policy advice to the Prime Minister and the Minister Assisting the Prime Minister on the Status of Women;
- monitoring Cabinet and Budget material for its impact on women;
- liaising with other Commonwealth departments and with State and Territory Governments on status of women issues;
- liaising with community-based and other women's organisations, and groups whose activities advance the status of women;
- initiating and/or undertaking specific projects or programs;
- funding organisations and projects designed to advance the status of women;
- producing publications and other relevant information; and
- maintaining Shopfront Information Services in the two States (Tasmania and Queensland) which do not operate a co-ordinating unit on status of women matters.

Departmental Women's Units

The Government decided in 1984 that there should be in all Departments, women's units, consultative committees or similar mechanisms.

The units are intended to ensure that each Department's programs and activities have a positive impact on women and to promote the Government's policies on the status of women. In this regard their location in the departmental structure is crucial: access is needed to the Departments' central decision-making process and the unit must also have adequate resources. The Office convenes meetings of the Departmental units on a regular

basis so views and information can be exchanged and works closely with the individual units on a day to day basis.

Secretaries Task Force on the Status of Women

The other element in the present federal machinery is the Special Task Force on the Status of women consisting of the Secretaries (Departmental Heads) of key Commonwealth Government departments, chaired by the Secretary of the Department of the Prime Minister and Cabinet.

Through the Task Force the Government's most senior advisers and administrators are involved in seeing that the interests of women are made an integral part of all government programs and policies. The Secretaries' Task Force reports on an annual basis to Cabinet.

The National Women's Consultative Council

The National Women's Consultative Council, representing 15 national women's organisations or organisations with large numbers of members who are women, is an important link between the Commonwealth Government and the community.

Council is appointed by the Government to:

- ascertain women's views on particular issues being considered by Government;
- provide information to women's organisations and women in the community about Government decisions on status of women matters; and
- bring to the attention of the Minister Assisting matters of concern to women's organisations and women in the community.

Women's Advisers

The Federal Government's primary women's adviser is the First Assistant Secretary of the Office of the Status of Women. Four States - New South Wales, Victoria, South Australia and Western Australia, and the two Territories have Women's Advisers. The head of the Office and her counterparts meet quarterly to discuss matters of mutual interest, to co-ordinate State and Commonwealth policies and to identify gaps in existing policy.

Labor Party Machinery

The Parliamentary Labor Party Caucus maintains a Committee on Status of Women Issues. Members of the Committee often assist the Prime Minister/Minister Assisting in public consultation and speaking on Government status of women activities. The Committee is thus in a position to provide further views as to the public reception of Government initiatives in this area.

Women's Bureau

As noted at page 16 of Australia's Report the Women's Bureau, a Branch within the Department responsible for employment, education and training provides specialist advice on issues relating to women's employment, education and training. Its research, policy formulation and information dissemination functions are all designed to promote equity and efficiency in the labour market and in education and training systems for women.

The Bureau is represented on Commonwealth/State and tripartite bodies concerned with women in the labour force, including:

- National Labour Consultative Council (NLCC) Committee on Women's Employment; and
- Departments of Labour Advisory Committee (DOLAC) Working Party on Women and the Labour Force.

Together with the Office of the Status of Women the Bureau represents Australia on the OECD Working Party on the role of Women in the Economy.

The Bureau also provides briefing on women in the Australian labour force to relevant international bodies, including the International Labour Organisation (ILO) and the United Nations (UN).

The Bureau provides regular briefings for the Minister and Department on women's labour force participation patterns and produces the annual publication Facts on Women at Work.

In 1987 the Bureau assisted in the removal of restrictive legislative and award provisions affecting the employment of women, in conjunction with major Government and tripartite bodies.

The Bureau undertakes research and provides advice on a number of issues related to women's employment, education and training; notably gender segregation in the educational system and labour market; pay equity; impact on women of industry restructuring; labour market flexibility; technological change; workers with family responsibilities; special needs of groups such as young women, sole parents and older women re-entering the labour force.

In 1986-87 it provided advice to the Industries Assistance Commission (IAC) on the labour adjustment packages for the textile, clothing and footwear (TCF) industry and was involved in subsequent discussions on legislative options.

The Bureau works in conjunction with other divisions and agencies on policies and programs affecting women. In 1986-87 major areas included the Tradeswomen on the Move project; policies concerning sole parents, child care, and training; ILO 156; national workshop on 'Women in Engineering' and National Policy and Plan of Action for the Education of Women and Girls. It also provided secretarial support for the Education Portfolio Working Party on Women and Girls.

CONSULTATIVE BODIES - RECENT INITIATIVES

Matters recently considered by the National Women's Consultative Council have included:

- sexually transmitted diseases (including AIDS);
- the housing needs of older women;
- the impact of budget initiatives on women, particularly those in receipt of social security benefits;
- constitutional reform;
- matrimonial property; and
- the sexual portrayal of women in the media.

Recent initiatives by State/Territory Councils have included:

Victorian Women's Consultative Council

- consultations in rural areas on women working outside the paid workforce;
- research into women and small businesses;

- a study of women's leisure and recreation.

Northern Territory Women's Advisory Council

- report on women in remote areas;

- establishment of the Chief Minister's Task Force on the Education of Girls;

- introduction of consent forms for patients using Intra-Uterine Contraceptive Devices (IUCD's).

New South Wales Women's Advisory Council

- community consultations with women in rural areas;

- establishment of a Working Party on the regulation and control of reproductive technologies;

- women and government services, eg. housing, transport.

Western Australian Women's Advisory Council

- production of a report to the Premier on prostitution;

- consultations with, and production of a resource book for women in rural areas;

- promotional material on the theme 'Women are a National Asset.'

South Australia has no formal women's advisory or consultative council responsible to the Premier, or to the Government as a whole. There are however, many groups and committees which advise on specific women's issues, for example, the Occupational Health and Safety Commission's Women's Advisory Committee. The Women's Information Switchboard provides advice to, and advocates on behalf of, women in the community on a range of issues including: family law, welfare rights, adult education, employment and training and domestic violence.

The ACT Administration runs a Women's Shopfront Information and Referral Service, providing a similar service to the SA Women's Information Switchboard, as do the majority of States and Territories.

INITIATIVES FOR WOMEN 1984-88

Since the election of the Hawke Labor Government in 1983, a considerable number of major initiatives of benefit to women have been introduced. Details of Budget-related initiatives over the past 4 years are provided below.

1984-1985

- Enactment of Commonwealth Sex Discrimination Act (Proclaimed 1 August 1984).
- Government Policy Discussion Paper on Affirmative Action for women tabled by the Prime Minister in Parliament and affirmative action pilot program with 28 companies and 3 tertiary education institutions established (Tabled 5 June 1984).
- National Women's Consultative Council established (15 June 1984) to provide stronger representation for women's NGOs.
- Extension of entitlement for mother's/guardian's allowance to sole parents in receipt of unemployment benefit (1 May 1984).
- Legislation enacted requiring Commonwealth Departments and prescribed statutory authorities to develop and implement equal employment opportunity programs for women and other designated groups.
- Legislation enacted to provide for permanent part-time work in the Australian Public Service (1 September 1984).
- Queensland Women's Information Service established to provide information to women in Queensland on Commonwealth Government policies and programs to get feed-back on the needs of women in Queensland (119 April 1984).
- Special CRAFT scheme incentives of $750 for employers who increase the number of female apprentices in trade training other than hair dressing. Employers who qualify for this incentive also eligible for up to another $1000, tax exempt, to adapt facilities to accommodate female apprentices. (1 March 1984).
- New guidelines were introduced in September 1984 aimed at progressively eliminating sexist language from Commonwealth legislation.

- The Government announced in November 1984 the establishment of a $435,000 National Consultation and Assistance Program for Women to be administered by the Office of the Status of Women.

- A Government commitment was made in November 1984 to provide 20,000 new child care places over the next 3 years.

1985-1986

- The Government approved major recommendations of the Quality of Education Review Committee in June 1985. These recommendations identified equal representation and attainment of girls in major subject areas as a priority in spending Commonwealth funds on school-level education.

- Preparations were made for the Australian delegation to the World Conference in Nairobi, Kenya, July 1985. The Conference was organised to Review and Appraise the Achievements of the UN Decade for Women. Financial assistance was also provided to twenty women from widely differing backgrounds to enable them to attend Forum '85, a Non-Government Organisation activity in Nairobi planned in conjunction with the World Conference.

- The Office of the Status of Women was actively involved in preparations for the National Tax Summit. The Convenor of the National Women's Consultative Council, gave a keynote address and speakers from national women's organisations also addressed the Summit. (July 1985)

- The Federal Government announced its decision to support the transfer of nurse education from hospital based courses to Colleges of Advanced Education in August 1984. Legislation to implement the decision was introduced into the Parliament on 15 May 1985.

- The Tasmanian Women's Information Services was opened in Hobart on 26 April 1985. The Service has the task of providing women with information on Commonwealth Government policies, programs and services, and providing the Office of the Status of Women with feedback on issues of concern to Tasmanian women.

- The Office of the Status of Women commissioned a major national survey of women's attitudes to family allowances, the dependent spouse rebate and family financial arrangements. The survey was

conducted in April 1985 and the results published in the booklet 'What Women Think' which was distributed as a contribution to debate at the National Taxation Summit.

- The twelve month Affirmative Action Pilot Program, involving 28 major Australian companies and 3 higher education institutions, concluded in July 1985.

- Unpaid parental leave of up to 66 weeks became available to parents who are Commonwealth public servants in January 1985. Similar entitlements to unpaid leave for adopting parents were approved in May 1985.

- The Aboriginal Women's Task Force, which commenced in July 1983 to consult with Aboriginal and Islander women, completed its work during the year, and the report of its consultations was presented to the Government late in 1985.

- A major Government initiative to improve women's status in the workforce undertaken in 1985/86, was the introduction of Affirmative Action Legislation. The legislation requires private sector firms with 100 employees or more, and all higher education institutions, to devise plans to remove any barriers or obstacles to equal employment promotes employment of women in all areas. An interim Affirmative Action Agency was established.

1986-1987

- The Government undertook a major reform of arrangements for assessing and collecting child maintenance. Women are seen to be the major beneficiaries of such reform. Implementation of the new system is scheduled for 1987/88.

- A Social Security Review, focussing on three specific aspects of the social security system: income support for families with children; social security programs and workforce participation in relation to the unemployed, sole parents and people with disabilities; and the connections between social security programs and insurance-based income support measures, notably superannuation, commenced.

- Assistance to low income families with 16-17 year old student children increased, as did family income supplement payments.

- Allowances for disabled children and double orphan pensioners were increased.

- Cuts in taxation rates payable by families were introduced in December 1986. Further cuts were scheduled for July 1987.

- The Affirmative Action Agency was established.

- Improved employment prospects for women reflected the Government's commitment to maximise women's employment opportunities. The Community Employment Program's 50 per cent target participation rate for women (which was significantly above the proportion of women as a percentage of the total workforce) was exceeded.

- Examination of restrictions on women's employment contained in legislation, regulations and union awards commenced.

- Tax incentives for employers providing child care facilities in or near the place of employment were introduced.

- Development of a National Policy on Women's Health commenced.

- The Home and Community Care Program introduced in 1985 received an increase of funding of over 50 per cent.

- A review by the Human Rights and Equal Opportunity Commission into sex discrimination in insurance completed.

1987-1988

- The Family Assistance Reform Package providing income support for low income families with children was introduced.

- The Government's new Child Support Agency, is to be established by March 1988, will regularise child maintenance payments.

- $1.6 million dollars was allocated for a domestic violence education program over the next three year period.

- $1 million was allocated for a two year project designed specifically to increase the number of girls undertaking maths and science subjects at secondary school level.

- $5.1 million was allocated to a three year program to undertake a study for national screening of breast cancer, and establish cervical screening services, particularly in rural areas.

- Eligibility for full medical and hospital treatment was extended to all returned servicewomen of the Second World War.

- Funding for special programs for Aboriginal and Torres Strait Islander women, women from non-English speaking backgrounds, women with a disability, sole parents, young women, older women and women living in rural areas continued to increase. In 1987 $900,00 was allocated for Aboriginal women's initiatives, particularly in remote areas.

- Equal Employment Opportunity (Commonwealth Authorities) Act passed to extend coverage by affirmative action plans to women and other designated groups not covered previously.

- Endorsement by Commonwealth and States and by the Independent School Authorities of the National Policy for the Education of Girls in Australian Schools which will provide a national focus to help ensure that the educational needs of girls are met.

National Agenda For Women

Following the adoption of the Forward Looking Strategies document at the Nairobi World Conference in 1985 it was decided to develop a parallel Australian document which would provide a comprehensive plan for Government action to improve the status of Australian women by the Year 2000.

In November 1985, the Prime Minister made a statement in parliament outlining the Government's preliminary thinking on the content of a National Agenda for Women. He emphasized that the primary purpose of the Agenda was to build on achievements already realised and to develop a plan of action for further advancing the status of women over the next fifteen years.

To ensure that the Government's Agenda for women accurately addressed the needs and concerns of Australian women, consultations were held between February 1986 - September 1987 with an estimated 25,000 women from all around Australia, from diverse cultural backgrounds, of all ages and in all walks of life.

The Agenda consultations received considerable publicity in the media. Non-English speaking background women were encouraged to participate through a radio-campaign in ten community languages and English.

A variety of approaches were adopted to encourage the maximum number of women to participate. Meetings were held around the country in capital cities as well as smaller towns, of small and large groups. The Office of the Status of Women (OSW) distributed kits to assist meeting organisers and arranged guest speakers in some cases. Reports of the meetings were sent to OSW.

Two major conferences were conducted on the National Agenda by non-government organisations (NGO's) with financial assistance form the Government. Funds were also provided to certain NGOs to undertake specialist consultations with women who face particular disadvantages (sole parents, young women, women with a disability, immigrant women).

Over 1000 submissions were received from individuals and organisations. These were often the result of extensive consultations within the individual organisations. Some raised issues concerning State and local government as well as Federal activity.

A questionnaire was prepared by OSW to encourage participation by women who may not have been included to attend conferences and meetings. It sought comment on

matters raised in the Prime Minister's statement and on other issues which were of concern to respondents.

On 31 March 1987, the Prime Minister tabled a report on the consultations in Parliament. Called Setting The Agenda, the report documented the needs, concerns and priorities articulated by those who took part in the consultative process. The report was widely distributed within the community.

The Government has undertaken to promptly address those issues which emerged as concerns of special priority for Australian women. Immediate action was foreshadowed in some areas, together with a commitment to the development of a longer term set of strategies and policies.

The Agenda, which is scheduled for public release in early 1988, outlines the Government's specific objectives for the Year 2000, together with an action plan for meeting these objectives. Specific strategies and programs in the areas of:

consultation;
participation in decison making;
education;
women at home;
employment and training;
child care;
leisure;
care for older women;
sex discrimination;
portrayal of women in the media;
income security;
superannuation;
housing;
violence against women and children;
health;
special groups of women eg: Aboriginal women, migrant women; and
international co-operation, together with the development of data collection and monitoring mechanisms, (including gender equality indicators and other benchmark indicators), are being planned for implementation over the next five years.

Recent Changes To Federal Government Departments

Following the Labor Party's re-election to office in May 1987, the Prime Minister announced major changes to the structure of the Australian Public Service (APS). The changes were aimed at achieving substantial enhancement of the decision making process and at reducing overlap and duplication of functions across portfolios. The number of Federal Government departments was reduced from 28 to 16 and a new two level ministerial structure consisting of 30 ministers, 16 of whom have Cabinet status, was introduced. The new departmental arrangements represent the grouping of related functions within broader portfolios, each of which is represented in Cabinet.

The new departments are:

- Administrative Services
- Arts, Sport the Environment, Tourism and Territories
- Community Services and Health
  - Aboriginal Affairs
  - Veterans' Affairs
- Defence
- Employment, Education and Training
- Finance
- Foreign Affairs and Trade
- Immigration, Local Government and Ethnic Affairs
- Industrial Relations
- Industry, Technology and Commerce
- Primary Industries and Energy
- Prime Minister and Cabinet
- Social Security
- Transport and Communications
- Treasury

The Prime Minister also announced the abolition of the Public Service Board and its replacement by the Public Service Commission. The Commission's responsibilities include policy aspects of APS recruitment, promotion, discipline and retirement, management of the Senior Executive Staffing Unit (SESU) and responsibility for monitoring departmental Equal Employment Opportunity (EEO) programs.

CURRENT POPULATION

The 1986 Census figures showed that Australia has a total population of over 16 million. Nearly 70 per cent of the population live in the State capitals or other major cities. The most populated States continue to be, New South Wales (5,531,526) and Victoria (4,160,856).

p. 6 The 1986 Census figures for Aboriginals and Torres Strait Islanders was 227,645, approximately 1.5 per cent of the total population.

ROLE AND STATUS OF ABORIGINAL WOMEN - AN OVERVIEW

Consultation is the corner-stone of community development within Aboriginal Affairs and as indicated in the Report Aboriginal and Torres Strait women have been largely neglected by this process. The Government's programs for Aboriginals and Torres Strait Islanders are in response to community-wide issues rather than those relating specifically to women's needs. Aboriginal and Torres Strait Islander women nevertheless play a prominent role in the operations of their local community organisations and in Government agencies (both Federal and State) which provide programs and services for Aboriginals and Torres Strait Islanders.

Consultation with Aboriginal and Torres Strait women is improving following the recent establishment of the Office of Aboriginal Women (at Central Office level); State Women Co-ordinators (at State Office level); and Women's Issues Officers (at Regional Office level) within the Department of Aboriginal Affairs' structure.

In 1987-88, as a result of major consultations with Aboriginal women in 1986 and 1987, emphasis is being placed on the impact of Federal Government programs on Aboriginal and Torres Strait Islander women. For instance, gender-specific data will be collected to measure the impact of programs on women and appropriate strategies will be developed (following consultation) to enhance Aboriginal and Torres Strait Islander women's participation in programs as clients, employees and decision-makers. The long-term objective is to provide Aboriginal and Torres Strait women with:

- access to a range of choices, services and opportunities similar to those available to non-Aboriginal women;

- opportunities to undertake innovative and/or traditional cultural roles; and

- equitable access to all mainstream programs as well as to special programs for Aboriginals.

Social indicators which will enable comparative examination of specific issues such as health, employment, housing and educational status of both male and female Aboriginals and Torres Strait Islanders will be used to determine the success and shortfall of programs of all Commonwealth agencies in meeting long-term objectives.

A new program initiative totalling $900,000 which responds to the identified needs of Aboriginal and Torres Strait Islander women will be undertaken in 1987-88 to enable the provision of multi-purpose resource centres principally for rural and remote areas; the dissemination of information about available Government services; the production of a video/film about Aboriginal women; and funds to assist ongoing consultations with Aboriginal and Torres Strait Islander women at the State Office and Regional Office levels. Details of specific projects are being determined in consultation with Aboriginal and Torres Strait Islander women. The emphasis of the program is to:

- provide women with facilities which will enable them to conduct their own activities and therefore gain a greater sense of self-worth and confidence in their own abilities, thus helping to overcome their sense of powerlessness;

- concentrate on women in remote and rural areas who suffer particularly from lack of access to resources and from powerlessness;

- raise Aboriginal women's self-esteem and dignity, in their own and the general community's eyes, through a major video on Aboriginal women; and

- provide appropriate information for women about Government programs.

Aboriginal and Torres Strait Islander women's participation in the workforce continues to be directly affected by racial and gender discrimination, and is also exacerbated by their comparatively low level of formal education attainment. Further, Aboriginal women tend not to re-enter the workforce after child-bearing. Child-bearing responsibilities and family structures tend to prohibit a return to the paid workforce after the age of 24 years.

There is an emphasis on the needs of Aboriginal women under Commonwealth child care programs as provision of adequate child care will be one of the factors which will enable Aboriginal women who so wish, to re-enter the workforce.

Under the Aboriginal Study Grants Scheme (ABSTUDY), which assist Aboriginals and Torres Strait Islanders to complete post-school qualifications, women currently outnumber men, and an increase in the workforce status of Aboriginal and Torres Strait Islander women can be expected.

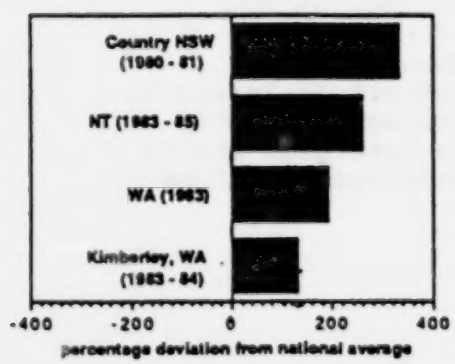
Strategies to increase the number and status of Aboriginal women employed are being developed under the Aboriginal Employment Development Policy (AEDP) announced by the Government in August 1986. The AEDP is a long-term and comprehensive policy aimed at equity between Aboriginals and other Australians in the area of employment, education, training, and economic development by the Year 2000. The policy involves a restructuring of existing Aboriginal employment, training, education and enterprise programs, as well as a number of new and expanded programs.

Recognising that Aboriginal women are the most disadvantaged of all Australian women, the Government is developing special measures to encourage their participation in the full range of AEDP programs at all levels.

The Human Rights and Equal Opportunity Commission is currently planning a project, in conjunction with Aboriginal women representatives, designed to better inform Aboriginal women of their rights to equal treatment under the law, particularly in relation to such matters as employment.

The Aboriginal mortality rate is very much higher than that of other Australians. Aboriginal infant mortality, although almost three times the national average, has shown substantial improvements over the past 20 years, particularly for deaths occurring in the postneonatal period. In contrast, adult mortality remains particularly high. The Aboriginal female mortality rate, after taking account of the age structure of the population, is up to four times higher than for Australian females overall. The life expectancy of female Aboriginals is also low, ranging from 57-65 years compared to 74 years for Australian females overall. Despite substantial improvements in the decade to 1979-1981 (the most recent available data), Aboriginal maternal mortality rates are still eight times higher than for other Australians.

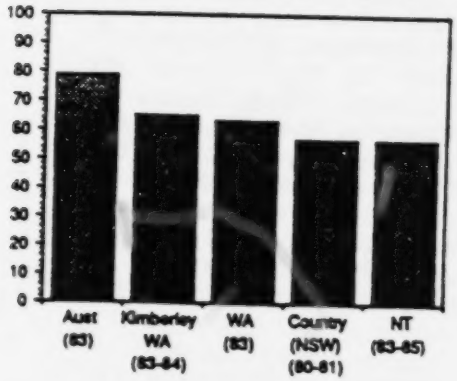
STANDARDISED MORTALITY - FEMALE



- National reference: 1981 Australian Population
- Aboriginal reference: Kimberley, WA (130% above national average) to Country NSW (330% above national average)
- Data source: Holman & Quadros (1986); Devenesen et al. (1986); Thomson (1986a); Thomson (1986b)

- The table shows the percentage by which female mortality in various Aboriginal regions deviates from the national average. The data has been standardised with respect to age to allow a comparison between the various population groups which is independent of the age distribution in each.

LIFE EXPECTANCY - FEMALE



- Aboriginal range: Country NSW and Northern Territory, 57 years (28% below national level) to Kimberley, WA, 65 years (18% below national level)
- Data source: Hicks (1985); Holman & Quadros (1986); Saint-Yves (1987); Thomson (1986a); Thomson (1986b)

- The table compares the life expectancy of females within four Aboriginal regions to that of the overall Australian female population (79 year in 1983).

From 1972-73 funding for Aboriginal and Torres Strait Islander health programs increased from $4.4 million to $38.2 million in 1986-87. There are currently 55 community based and administered Aboriginal Medical Services (AMSs) which received funds totalling $20.5 million in 1986-87. Some AMSs have focussed on maternal and child health and funding has recently been approved to allow the Central Australian Aboriginal Congress to establish a clinic specialising in women's health concerns and to expand the Congress education unit to cater more for women's needs.

In addition, the Federal Government has funded a 5 year $50 million Aboriginal Public Health Improvement Program (APHIP) which commenced in 1981-82. This will be replaced by a new Accelerated Community Infrastructure Program (ACIP) which is intended to be a capital program which will direct expenditure to targetted Aboriginal communities for town-planning, mains reticulation of water, sewerage and electricity, and provision of adequate thoroughfares, street-lighting and drainage. The principal outcomes expected from ACIP are a significant improvement in the environmental health

conditions in those communities, and the raising of municipal planning and infrastructure to a standard which can be maintained by State and Local Government authorities. In 1987-88 the Federal Government has approved $7.9 million for ACIP projects.

Aboriginal and Torres Strait Islander people are the most inadequately housed of any people in Australia. Moreover, their houses are often inadequately serviced by essential services such as electricity, sewerage and water.

In respect of Aboriginal housing the Federal Government has checked that the money it provides to the States for Aboriginal housing be applied to programs which have been developed in close consultation with Aboriginal and Torres Strait Island people. It will be the task of the Federal Government to ensure that from now on this consultation has proper regard to the views and needs of Aboriginal women including such issues as town planning, community facilities, housing design and maintenance, home ownership and the needs of women who are heads of households.

A Royal Commission into Aboriginal Deaths in Custody is currently enquiring into the deaths in custody since 1980 of Aboriginal people. The Commission will consider and make recommendations on the treatment of both male and female Aboriginals and/or Torres Strait Islanders in custody.

Further Information on Aboriginal women is provided elsewhere in this Supplement.

ROLE AND STATUS OF IMMIGRANT AND NON-ENGLISH SPEAKING BACKGROUND WOMEN - AN OVERVIEW

Australia's women of immigrant and non-English speaking background (NESB) contribute to the nation's economic and social well-being.

The 1986 Report included 1981 census data which showed that there was a high proportion of Australian women who had either been born overseas or whose mothers had been born overseas and, of these, almost half were of non-English speaking background.

The Government aims to respond to the special needs of immigrant and NESB women in a number of ways, notably by developing strategies in the areas of both immigration and multiculturalism.

In 1985 the Department of Immigration and Ethnic Affairs held a national immigrant women's conference to canvas and report on issues facing immigrant women. As well, the Office of the Status of Women (OSW) in its extensive consultations on the development of a National Agenda for Women, included substantive consultations with immigrant women. OSW also funded two research projects on immigrant women's needs.

The Department of Immigration, Local Government and Ethnic Affairs has a women's and advising section which focuses on the Department's response to the needs of immigrant women and gives particular emphasis to their settlement needs as well as having a liaison and advocacy role in this area.

The Government recognises that women have special needs as new arrivals, including accommodation needs, English language classes for women, the organisation of women at community level and the need to appropriately respond to cross-cultural gender differences. Immigrant women are an identified priority group in settlement programs and in decisions about the allocation of resources within these programs.

A variety of settlement assistance programs are available to assist immigrants in coming to grips with a different cultural background. For example the needs of Thai and Filipino spouses have been, and are continuing to be examined, as are the needs of immigrant women in the workforce. Government funding is also provided for a variety of ethnic community organisations, migrant resource centres, information units and migrant counselling services all of which assist migrant women directly.

In 1987, the Government, in recognition of Australia's cultural diversity and the special needs of immigrants and those of NESB, established the Office of Multicultural Affairs (OMA) and the Advisory Council on Multicultural Affairs (ACMA). OMA is a division of the Department of Prime Minister and Cabinet and advises and supports the Prime Minister in his executive responsibility for the development, co-ordination and implementation of Government policies relevant to meeting the needs of Australia's multicultural society.

The Office of Multicultural Affairs, like the Office of the Status of Women, is essentially a co-ordinating body. Central to its responsibilities in relation to multiculturalism is the objective of social justice and the economic need to make optimal use of our human resources irrespective of ethnic background, linguistic ability or religion. OMA's policy work will impact on women indirectly, in a similar fashion to OSW's. It is also undertaking activities which have a more specific impact on women, eg, a pilot study currently underway to develop effective networks for immigrant and NESB women in rural areas.

Two major undertakings of the Office of Multicultural Affairs are the development of a National Agenda for a Multicultural Australia and the implementation and monitoring of the Government's Access and Equity strategy. Special attention is being paid to the needs and concerns of immigrant women through both of these strategies.

Women of immigrant and NESB have long indicated that high on their list of priorities is the question of education. Their paramount concern is the education of their children. In various forums they have expressed their desire to ensure that their children attain their fullest educational potential by learning English as well as by having the opportunity to retain and further develop their mother tongue.

In June 1987 the Government endorsed the National Policy on Languages. The strategies to be undertaken in implementing this policy will work towards addressing some of the concerns listed above as they relate to language(s) learning. In its implementation of this policy the Government has earmarked $28m in the first full year. Programs funded under this policy include:

English as a Second Language - intensive instruction for new arrivals

Australian Second Language Learning Program

Asian Studies

Multicultural and Cross-Cultural Supplementation Programs - for tertiary institutions

Adult Literacy Action Campaign

National Aboriginal Languages Program

The difficulties faced by immigrant women in the workforce require special attention: industries such as the clothing industry, contract cleaning and food preserving industry have a large female NESB component. Immigrant women benefitted from a recent award covering the clothing industry.

The special health needs of immigrant and NESB women have also been recognised. For example, the Government has accepted the Report of the Ethnic Aged Working Party and has announce provisions for appropriate aged residential care for elderly women of NESB.

The Human Rights and Equal Opportunity Commission is currently planning a project, in consultation with NESB women representatives, designed to better inform immigrant and NESB women of their rights under the law, and to ensure equal access to programs and services.

Further information on immigrant and NESB women is provided elsewhere in this Supplement.

ROLE AND STATUS OF DISABLED WOMEN: AN OVERVIEW

In 1981 the Australian Bureau of Statistics (ABS) conducted a survey on disability in Australia. This survey: "Handicapped Persons Australia 1981" provides the most comprehensive information available to date on Australian disabled women.

It was estimated from the ABS survey that 13.2 per cent of Australians (1,942,000) have a disability and that for 8.6 per cent of the population (1,264,000) their disability results in a handicap. Further, there were in 1981, more than half a million people over the age of 5 years old (514,000) who ABS described as having a "severe handicap", more than one quarter million of which (271,000) were between the age of 5 and 64 years of age.

Of all "handicapped persons" 51.1 per cent were women, and of all "severely handicapped persons" 58.5 per cent were women.

ABS further estimates that at least 8.8 per cent of "handicapped persons" lived in institutions rather than private households in 1981 (65.7) per cent were women.

For the purposes of this survey, the terms "handicap" and "disability" were used according to World Health Organisation (WHO) definitions.

The WHO definitions are:

Disability

> "in the context of health experience, a disability is any restriction or lack (resulting from an impairment) of ability to perform an activity in the manner or within the range considered normal for a human being."

Handicap

> "In the context of health experience, a handicap is a disadvantage for a given individual, resulting from an impairment or a disability, that limits or prevents the fulfilment of a role that is normal (depending on age, sex, and social and cultural factors) for that individual."

The issues which are of particular relevance to women in the disability area fall broadly under two major headings:

1. Women with a disability
2. Women as carers of a person with a disability (most often spouse, child, parent, and in many cases resulting in a disability such as back injury due to lifting).

Both groups of women experience barriers to full participation in society as a result of the interrelationship between myths and stereotypes about disability and myths and stereotypes about women (which are in many cases outdated when compared to changes achieved in society generally).

One simple example of this is the significantly lower participation rate for women with a disability in employment (28.4 per cent) when compared with men with a disability (49.3 per cent) and both men (87.1 per cent) and women (52.7 per cent) without a disability. Figures from ABS 1981 Survey).

In 1985 a Commonwealth Government report, New Directions: Report of the Handicapped Programs Review, recognised that:

> Women with disabilities are beginning to be recognised as having unique needs which are not being met by the existing service system. Particular difficulties which disabled women face include:
>
> * eligibility criteria focusing on receipt of pension or benefit which exclude women whose spouse's income exceeds the allowable limit;
> * assumptions that women work only as a hobby or for luxury money, rather than out of necessity or because they have chosen a career, result in few resources for women in work skill or placement programs; and
> * a failure to value a woman's role in the home with a family leads to little support being provided to women in this position who have disabilities.

While the expectation remains reasonably strong that women will care for their children, it is much stronger when that child has a disability. There are a large number of women excluded from the workforce who provide unpaid care for a child with a disability - usually for much longer than the norm - and then are the most likely person to care for an ageing parent.

Information is still less than adequate about the particular needs of women with a disability and women as carers of a person with a disability. Information

gathered by the Handicapped Programs Review, and being built up by the Office of Disability, and peak bodies such as the Australian Council for the Rehabilitation of the Disabled, is beginning to show a picture of discriminatory practices, and systems which were not designed to meet the needs of women or were built on assumptions which are based on stereotypical roles.

Data about the type of disabilities most common to women provides a general picture of a much lower incidence of paraplegia and tetraplegia for women of all ages and a higher incidence of musculoskeletal system disease. Further there are strong links from the Occupational Health and Safety arena and the kinds of jobs women do which result in disabilities.

Provision for disabled women, and women as carers of a person with a disability, has improved with movement from the assumptions that disability is primarily a health care problem and that all disabled people have basically the same needs, to recognition that disabled people are individuals facing a range of social and economic problems caused by their individual disabilities.

The Government's disability services are designed to help improve the quality of life and range of choices available to people with disabilities. The objective of Commonwealth assistance is to fund services which promote client competence, self-reliance, self-esteem and community and workforce participation. These services involve:

- rehabilitation to help people with disabilities enhance their personal independence and competency in undertaking household tasks and in attaining employment; and
- funding eligible organisations to provide services (accommodation, training, support, advocacy, etc) to assist people with disabilities develop their own abilities and take their place in the general community.

Prior to 1977, rehabilitation services were predominantly focussed on vocational goals and were available to recipients of social security payments only. These requirements, which limited women's access to rehabilitation services, were lifted in 1977.

Since 1977 women's participation in rehabilitation programs has progressively increased. In 1982-83 women made up some 26 per cent of clients accepted for rehabilitation assistance; by 1986-87 women comprised 36 per cent of the approximately 4073 new clients accepted

on rehabilitation programs. This represents a growth in acceptance of new female clients by almost 40 per cent over the three years.

Several significant steps have been taken to increase women's access to rehabilitation services and to improve the provision of those services for women clients.

First, a National Committee on Disabled Women's Issues was convened to oversee the implementation of the recommendations which relate to women listed in the Forward Plan for Rehabilitation Services 1984-87. The work of the National Committee and its subsidiary State committees has focused on several areas of priority:

- staff training;
- development of pilot programs and innovative programs for women clients;
- publicity; and
- review and evaluation of rehabilitation services (such as current programs and referral networks) and monitoring of data collection.

The National Committee's achievements include:

- release of a report Initiatives in Rehabilitation for Women with Disabilities 1984-86;
- the Department's new policy on reimbursing child care costs to certain clients, where lack of such assistance would prevent a disabled women participating in a rehabilitation program;
- consideration of a consultant's research on the needs of disabled women and recommendations for reform of rehabilitation services;
- developing staff training materials; and
- providing information to and liaison between rehabilitation workers in the Department's State Offices and with community groups.

Secondly, the Government's decision to close large rehabilitation centres and establish a comprehensive network of smaller, more accessible, regional rehabilitation units should particularly benefit women, especially those who are geographically isolated. Women, who have in the past found it difficult to leave their homes for extended periods to attend rehabilitation programs, will now have access to

assistance in their local community. Regionalisation of rehabilitation will provide an excellent opportunity to develop innovative programs in consultation with women and allow for greater attention to be paid to the needs of women with disabilities in particular communities.

Disability Services

The new Disability Services Act 1986 sets guidelines for the funding of non-profit community based organisations to provide services to people with disabilities. It aims to assist people with disabilities to maximise their individual potential and facilitate their integration into the general community. People with intellectual impairment comprise the major disability group assisted.

One primary objective of the Act is that programs and services should be designed and administered so as to meet the needs of people with disabilities who experience a double disadvantage as a result of their sex, ethnic origin or Aboriginality. This objective will be considered when approving new services under the legislation, and may result in new services which are more responsive to women's needs.

In December 1986, 1123 agencies provided services for approximately 34,500 people with disabilities. These agencies conducted almost 236 sheltered employment services, 216 adult training services, 81 activity therapy centres, 546 residential services including independent living options, and 44 combined services. The 1986 Disability Census indicates that 43 per cent of the clients of these services are women. The majority of female clients attended activity therapy centres, then sheltered workshops and residential programs. This is in contrast to male clients who attended sheltered workshops in greatest numbers, then activity therapy centres and residential programs, and may reflect values as to appropriate choices for men and women.

The Government aims to increase women's participation rates to approximate the number of women with disabilities in the population. Further increases in women's participation rates should be achieved through the activities of the National Committee on Disabled Women's Issues, the regionalisation of rehabilitation services and the implementation of the new Disability Services legislation.

Over 1985-86 and 1986-87, 116 demonstration projects were funded to provide innovative service to people with disabilities. The priority areas identified were long term supported employment, competitive employment and

residential community living options. Several of these projects were targeted to women with disabilities. All of these projects are being evaluated to determine service outcomes, costs and clients' assessment of the service.

The wider range of services heralded by the new legislation should be of special benefit to women. For example, the introduction of respite care services, which provide short term substitute care for people with disabilities whilst carers have a break or undertake other activities, will particularly benefit women who usually assume the role of caring at home for a family member with a disability. Both the person who regularly provides care and the person with a disability benefit from respite care, but the primary focus is on the carer. The introduction of this type of service acknowledges the important role of women in caring for people with disabilities.

Office of Disability

The Office of Disability is a national policy advisory and development unit which was established to change, develop or create societal structures and attitudes so as to enable people with disabilities to achieve the same life goals as the majority of Australians and to receive appropriate levels of support to ensure that this occurs.

The Office develops strategies to overcome the barriers faced by women which are built on the complex interaction of myths and stereotypes about disability and about women. The work of the Office has been focused on women with disabilities and women who care for children or adults with disabilities.

The Office's specific work in relation to women includes:

- involvement in a major survey of respite care provision across Australia which is addressing the issues of women's unmet need and particularly those females who are excluded from using respite care;

- liaison with the Social Security Review on issues to do with disability, the needs of women who care for people with disabilities, family policy and the needs of single women; and

- provision of advice for the Government's Family Package initiative on the needs of women who care for people with a disability.

PART II - INDIVIDUAL ARTICLES OF THE CONVENTION

Article 1 "For the purposes of the present Convention, the term 'discrimination against women' shall mean any distinction, exclusion or restriction made on the basis of sex ...."

An up to date listing of anti-discrimination and equal opportunity legislation in Australia is provided below.

p. 11 CURRENT FEDERAL, STATE AND TERRITORIES ANTI-DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY LEGISLATION

FEDERAL	Sex Discrimination Act 1984
	Race Discrimination Act 1975 as amended
	Affirmative Action Act 1986
	Human Rights and Equal Opportunity Commission Act 1986
	Equal Employment Opportunity (Commonwealth Authorities) Act 1987
	Public Service Act 1922 as amended
	Public Service Reform Act 1984
ACT	Sex Discrimination Act 1984
NT	Public Service Act 1976 s. 14(c)
WA	Equal Opportunity Act 1984
NSW	Anti-Discrimination Act 1977
	Anti-Discrimination (Amendment) Act 1981
	Anti-Discrimination (Amendment) Act 1982
	Anti-Discrimination (Amendment) Act 1983
	Anti-Discrimination (Amendment) Act 1987
VIC	Equal Opportunity Act 1984
	Public Authorities (Equal Employment Opportunity) Bill 1987
SA	Equal Opportunity Act (1984) Government Management and Employment Act 1985
TAS	Tasmanian State Service Act s.4

Queensland currently remains the only Australian State to have no anti-discrimination legislation. Tasmania and the Northern Territory have equal employment opportunity provisions within their Public Service Acts, but no Anti-Discrimination Act.

In December 1986 the Human Rights Commission was replaced by the Human Rights and Equal Opportunity Commission. The reconstituted Commission has similar functions and responsibilities to the previous body, but also incorporates more closely other areas of action in relation to sexual discrimination and discrimination in employment, including the oversighting of ILO Convention 111.

Two of the present four Commissioners are women.

Figures released recently by the Human Rights and Equal Opportunity Commission reveal that a total of 2,403 complaints have been made under the Sex Discrimination Act between the 1st of August 1984 to the 31st June 1987.

According to the Commission:

> "Overall the figures reveal that by far the most common type of complaint (around 66 per cent) was made on the ground of sex discrimination in the employment area. This type of complaint includes, for example, situations where employers using gender as the criterion may refuse to appoint or promote people to positions. Predictably the vast majority of these complaints were lodged by women."

The second most common type of complaint (around 16 per cent) were those alleging sexual harassment in employment.

The figures in detail are as follows:

Complaints received from 1 August 1984 to 30 June 1985

Sex Discrimination Act

822 complaints were received, analysed as follows:

	No.	%
Grounds		
Sex	483	58.8
Marital Status	114	13.9
Pregnancy	57	6.9
Joint Sex/Marital Status	38	4.6
Joint Sex/Pregnancy	9	1.1
Sexual Harassment	121	14.7
	822	100.0
Area		
Employment	522	63.5
Goods/Services/Facilities	127	15.5
Clubs	106	12.9
Accommodation	30	3.7
C'wealth Laws and Programs	17	2.0
Education	16	1.9
Application Forms	4	0.5
	822	100.0
State		
Central Office *	150	18.3
NSW	259	31.5
Vic	103	12.5
Qld	116	14.1
SA	109	13.3
WA	85	10.3
Total	822	100.0

* Tasmanian and Northern Territory complaints included in this figure.

Complaints received from 1 July 1985 to 30 June 1986

Sex Discrimination Act

870 complaints were received, analysed as follows:

	HRC* CO	NSW ADE	Vic CEO	Qld HRC	WA CEO	SA CEO	No.	%
Ground								
Sex	107	234	41	49	17	44	492	57
Sexual harassment	14	30	26	59	1	27	157	18
Sex/Sexual harassment	3	6	-	-	-	-	9	1
Marital status	17	41	6	11	2	11	88	10
Sex/Marital status	8	22	8	2	2	2	44	5
Pregnancy	11	5	4	9	-	12	40	5
Sex/pregnancy	1	25	12	1	-	-	39	4
	161	363	97	131	22	96	870	100.
Arts								
Employment	103	220	83	96	10	75	587	67
Accommodation	2	18	-	3	3	2	28	3
Goods/services/ facilities	27	88	10	23	5	10	163	20
Clubs	10	29	2	7	3	5	56	6
Commonwealth laws and Programs	8	-	-	-	1	-	9	1
Education	9	7	2	1	-	2	21	3
Applications forms	2	-	-	1	-	2	5	-
Land	-	1	-	-	-	-	1	-
	161	363	97	131	22	96	870	100.
Female complaints	133	288	94	112	**	82		

* Tasmanian and Northern Territory complaints included i this figure.

** Not available.

Article 2 (a) **"To embody the principle of equality of men and women in national constitutions or other appropriate legislation..."**

p. 24 A review of the Australian Constitution is currently being undertaken and the Constitutional Commission is due to report to the Federal Government by 30 June 1988. Inclusion of a specific clause on equal rights is one of the options being discussed.

Article 4 (i) **"Adoption by State Parties of temporary special measures aimed at accelerating de facto equality between men and women ...."**

In October 1986 the Affirmative Action (Equal Employment Opportunity for Women) Act 1986 was passed. An Affirmative Action Agency was established as a statutory body within the Industrial Relations portfolio to advise and assist employees to develop affirmative action programs, to monitor and evaluate these programs, undertake research and educational programs, and to review the effectiveness of the Act.

The legislation acknowledges that women are concerned that their employment opportunities are limited, that the rewards they receive are less than those received by male employees, that work structures do not sufficiently recognise family responsibilities and that women are concentrated in too narrow a range of occupations and industries.

Through the application of the Affirmative Action Act the Government aims to:

- ensure equity for women in the labour market through the promotion and establishment of affirmative action programs within the private sector and institutions of higher education;

- facilitate the reduction and elimination of occupational and industrial segregation experienced by women in the labour market; and

- assist in the elimination of discrimination with respect to women's participation in the labour market.

The legislation provides that employers of 100 or more staff and all higher education institutions are required to take positive steps to improve employment opportunities for women. The legislation is being phased in over three years. Businesses employing less than 100 staff are not affected by the legislation although some may choose to set up their own programs.

By the beginning of 1989 the Affirmative Action Act will cover approximately 2 million Australian workers. On current Australian Bureau of Statistics (ABS) information it would appear that of the 2 million, 43 per cent will be women.

The Equal Employment Opportunity (Commonwealth Authorities) Act 1987 completes a trilogy of legislation intended to ensure equal employment opportunities in the

private sector, the public sector and Commonwealth Statutory Authorities, which legally straddle the public and private sectors. Like the public and private sector legislation the Act provides a systematic approach to the identification and elimination of institutional barriers to equal employment opportunity. Part I I of the Act sets out the minimum contents of an equal opportunity program.

Article 5 (a) **"To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices ..... or stereotyped roles."**

p. 34 The sex role portrayal of women and girls in advertisements in the broadcast and print media continues to be an issue of some concern; the matter was one raised by many women in the 1986 consultations on the National Agenda for Women.

In 1987 the Government commissioned a project to analyse the sex portrayal of women and men, girls and boys, in the media. The project which will be managed by the Office of the Status of Women will undertake both an analysis of sex role portrayal and of women's responses to certain types of advertisements.

It is also intended to convene a forum where members of the advertising industry can discuss perceptions of the factors which lead to sex-role portrayal in advertisements with the aim of influencing those who make advertisements, and of encouraging revision of the guidelines promulgated by the Advertising Standards Council to specifically address sex role portrayal.

The Advertising Standards Council now keeps statistics on complaints relating to the portrayal of women.

It is understood that the Australian Broadcasting Tribunal is shortly to hold an inquiry on sex portrayal.

Article 5 (b) **"To ensure that family education includes a proper understanding of maternity ... and the recognition of the common responsibility of men and women in the upbringing and development of their children ..."**

As noted at page 40 of Australia's Report, Section 64 of the Family Law Act 1975, provides that the welfare of children is a paramount consideration in determining custody arrangements where a marriage has broken down.

The Australian Institute of Family Studies, a research body which promotes an understanding of factors affecting marital and family stability, is currently undertaking on behalf of the Government a detailed study into the effectiveness of marriage counselling.

In 1986 the Western Australian Government created the Family portfolio, the only one in Australia. In March 1987 the Minister for the Family, (a woman), issued a discussion paper 'Issues of Family Policy - Meeting the Challenge for Western Australian Families" which provided an overview of these issues considered relevant to the development of the Family Ministry.

Western Australia, South Australia and Tasmania are the three Australian States which have already agreed to ratify ILO Convention 156 on workers with family responsibilities.

Article 6 "State Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."

p. 42 CURRENT LEGISLATION RE: PROSTITUTION/SOLICITING

NT SA Suppression of Brothels Act 1902
Summary Offences Act s. 53
Police Administration Act s. 120
The Criminal Code s. 136

ACT The Crimes Act 1900 (NSW) s. 546 A
Police Offences Ordinance 1930 s. 18,19

WA Prostitution is illegal under current WA legislation. A policy of containment is practised and certain brothels are tolerated and inspected regularly by members of the police force. After studying changes to the law in Victoria, the Government has announced that it intends to decriminalise prostitution in WA, but it has not yet decided what form the legislation will take. A report to the Premier on the matter was made by the Western Australian Women's Advisory Council.

NSW Prostitution Act

Legislation establishes criminal penalties for the offence of living off the earnings of prostitutes and the establishing of certain kinds of premises for the purpose of prostitution. Advertising premises for the purpose of prostitution is also illegal.

A 1983 Amendment to the Act makes soliciting illegal in certain circumstances and liable to a maximum penalty of $500. The Amendment makes soliciting for the purposes of prostitution illegal near schools, hospitals, residences and churches, and in schools, churches and hospitals.

VIC Prostitution Regulation Act 1987

The legislation, as proclaimed, removes the restrictions on the sale and advertisement of contraceptives, and focuses the criminal law relating to prostitution on exploitative practices. The offences under the Act are designed to protect adult prostitutes from

violence and intimidation and to protect young people from sexual abuse and exploitation. Soliciting remains illegal.

SA A private Member's Bill seeking among other things to decriminalise off-street prostitution was introduced into the South Australian Parliament in 1986 but lapsed due to lack of support.

TAS The situation in Tasmania relating to prostitution and soliciting remains as reported in Australia's report.

QLD There has been no change in Queensland legislation as reported in Australia's report.

p. 47 CURRENT RAPE LEGISLATION AND SERVICES

ACT The Crimes Act 1900 (NSW), Part 111A ss. 92-92 u applies. The Legislation which came into effect in November 1985 is based on degrees of violence in sexual assault rather than rape. The immunity from prosecution of husbands for rape of their wives is removed.

There is both a rape crisis centre and an incest crisis centre within the ACT.

NT Under the Criminal Code Act 1983 rape is a category of sexual assault. Under the Maintenance Act a married man convicted of rape must pay maintenance to his wife, and the wife does not have to fulfill her conjugal obligations.

One Sexual Assault Referral Centre functions at the Darwin Hospital. Women's Refuges are established in Darwin, Katherine and Alice Springs and an Aboriginal Women's Refuge is to open shortly in Darwin.

WA The Sexual Assault Bill 1985 introduced 4 categories of sexual assault punishable according to degrees of violence on a scale from 4 to a maximum of 20 years. Prior to the change, the maximum penalty for rape was life imprisonment, but in reality the highest penality imposed in recent years for the worst type of rape had been 14 years.

The term 'rape' has been abolished and sexual assault is defined in gender free terms with regard to both the offender and the victim.

The presumption that males under the age of 14 are incapable of sexual intercourse has been abolished and immunity with respect to rape offences of a married man who is not separated from his wife has been removed.

A wider definition of sexual penetration modelled on NSW legislation replaces the carnal knowledge definition for sexual assaults. Sexual penetration now includes penetration of the vagina of any person or anus of any person by any part of the body of another person or an object manipulated by another person, and also includes fallatio or cunnilingus.

The definition of consent has also been tightened to ensure that consent can only be freely and voluntarily given. It is expressly provided that a failure to offer physical resistance to a sexual assault does not constitute consent.

Evidence laws further restrict the admissibility of evidence relating to the victim's sexual history during court proceedings. Evidence of the victims sexual reputation and sexual disposition are absolutely inadmissable on behalf of the defendant. Evidence of the victim's prior sexual experience are admissable in restricted circumstances with leave of the Court.

There is one Government operated sexual assault crisis centre in Perth and regional non-government centres in Geraldton and Bunbury.

NSW <u>The Crimes Act 1900 (NSW)</u>

<u>The Crimes (Amendment) Act 1981</u>

<u>Crimes (Sexual Assault) Amendment Act 1981</u>

Current legislation abolishes immunity for rape within marriage; categorises sexual assault offences to reflect their seriousness and prescribes appropriate

penalties; and abolishes immunity from prosecution for rape for males under 14 years.

Trial procedures and evidence requirements were also amended to limit strictly any examination of a victim's previous sexual behaviour and sexual history.

There are currently 28 sexual assault centres in NSW, 22 of which are outside the metropolitan area.

VIC Crimes Sexual Offences Act 1980

In 1985 the Victorian Attorney-General requested a review of rape legislation. This is the responsibility of the Law Reform Commission and is not yet completed. Concurrently a Government interdepartmental Rape Study Committee has been convened to report to the Minister of Health on all matters relating to the initiation, development, co-ordination and implementation of public policy and measures aimed at reducing the incidence of rape and child sexual assault.

There are currently nine sexual assault centres in Victoria which provide information on legal, medical and police procedures as well as counselling, support and advice. All services are free and confidential. Four of the centres are located outside the metropolitan area.

SA Provisions relating to rape and sexual offences are contained in the Criminal Law Consolidation Act, the Justices Act and the Evidence Act.

The laws of rape were amended in 1985 to: abolish the right of accused persons to make unsworn statements from the dock; extend the definition of rape to state that the offence of rape may have occurred whether or not physical resistance was offered by the alleged victim; and extend the definition of rape to include use of parts of the body (other than the penis) and foreign objects.

The Government at the same time made a further commitment to assess the introduction of a graded system of offences

and penalties for rape and sexual offences on receipt of research information and statistics where similar systems have operated in other parts of Australia and overseas. Attention would also be paid to offences where one person is in a relationship of authority over the other - for example, a teacher and pupil, or parent/relative and child. There have been no outcomes from these undertakings as at June 1987.

South Australia has one rape crisis centre.

TAS The Criminal Code Amendment (Sexual Offences) Bill 1987 extensively amends rape laws in this State. The Bill:

- removes the immunity of husbands from prosecution for rape of their wives;
- clarifies and expands the definition of consent;
- replaces the concept of carnal knowledge with that of sexual intercourse which is defined to include vaginal, anal and oral penetration by the penis and continuation of intercourse;
- redefines sexual offences in gender neutral terms;
- creates the new crime of aggravated assault to deal with assaults involving penetration of the vagina or anus other than by the penis.
- simplifies the provisions governing the age of consent;
- removes the mandatory requirement for corroboration as a basis of conviction for certain sexual offences;
- removes the presumption that males under the age of 14 are incapable of having sexual intercourse;
- enables the complainant to apply to change the place of the trial; and

- repeals six outdated offence provisions.

Additionally the Evidence Amendment Act 1987 extensively amends the law of sexual offences. It prohibits entirely any evidence about the sexual reputation of victims and requires the prior approval of the judge before any evidence may be given about the sexual experience of victims. There is now an absolute prohibition on the publication of material which may enable the identification of victims or witnesses in sexual offence cases unless the judge orders that publication is necessary in the public interest.

A Sexual Assault Support Service which is jointly funded by the State and the Commonwealth began operating in November 1986. Services provided include information on legal, medical and police procedures as well as counselling, emergency accommodation and the provision of allied programs, for example, self-defence, child protective behaviours.

QLD The situation in Queensland with regard to rape remains unchanged from Australia's Report. There are currently 3 Rape Crisis Centres in Queensland.

p. 47 CURRENT DOMESTIC VIOLENCE LEGISLATION AND SUPPORT SERVICES

Federal

Over the past few years considerable work has been done in the area of domestic violence. In 1985 a working group was established to look at actions the Commonwealth might be able to take to remedy the causes and effects of domestic violence, and significant work was undertaken by the Law Reform Commission and the Institute of Criminology.

In 1987 the Federal Government committed $1.6 million over a three year period for a domestic violence community education campaign. The campaign represents a response to a major concern of Australian women raised in the consultations on the National Agenda (see p.12-13 for details). The campaign will provide community awareness of the problem of domestic violence, the extent to

which it is practised and the undesirability of such behaviour, with the special focus of seeking to achieve widespread changes in attitudes in relation to domestic violence (including those of the helping professions, police, perpetrators, victims and children) and to provide information on where help is obtainable. The project will include measures which are appropriate to all cultural groups including the needs of Aboriginals and Torres Strait Islanders.

The campaign will complement work already undertaken by the States and Territories, including recent legislative changes, and will be undertaken on a co-operative basis with the States and Territories.

The issue of domestic violence is also addressed in other areas of government activity, for example, seminars on domestic violence have been included amongst programs offered to migrant women, and family support and counselling services specifically those related to Family Law.

A further major Government response to the problem of domestic violence has been through the Supported Accommodation Assistance Program (SAAP) under which the Commonwealth and State Governments jointly fund women's refuges and other kinds of accommodation for women leaving violent relationships, together with rape crisis centres and incest counselling services.

The Office of the Status of Women has recently allocated funds for the development of an inventory of legal, educational and support provisions in all States and Territories to provide a basis for future action on this important issue.

ACT Domestic Violence Ordinance 1986

Domestic Violence (Miscellaneous Amendments Ordinance) 1986

The Crimes Act (NSW) 1900

The Children's Services Ordinance 1986

A Report of the Law Commission on Domestic Violence in the ACT was tabled in March 1986 and its recommendations were implemented in October 1986 by the ACT Domestic Violence Ordinance 1986. The Ordinance allows the ACT Magistrate's Court

to provide protection orders against violence and harassment for married and de facto partners and their children. Breaches of the protection orders are a criminal offence. In addition, changes were made relating to powers of entry, arrest, police bail and compatibility of spouses in criminal proceedings arising out of domestic violence.

Support services include 6 women's refuges, emergency assistance programs including housing, family law counselling services, together with a rape crisis centre and an incest centre.

NSW Crimes (Domestic Violence) Amendment Act 1982

Periodic Detention of Prisoners (Domestic Violence) Amendment Act 1982

Crimes (Child Assault) Amendment Act 1985

Oaths (Children) Amendment Act 1985

Evidence (Children) Amendment Act 1985

Pre-Trial Diversion of Offenders Act 1985

The New South Wales Child Protection Council was established in 1986 following the Report of the NSW Child Sexual Assault Task Force. The function of the Council is to develop a program designed specifically to reduce child sexual assault and provide services and support for victims and their families. Extension of mandatory notification of suspected child abuse began in 1987.

In 1987 the New South Wales Government announced legislative reforms in the area of violence against women and children, particularly sexual assault and domestic violence. The reforms include harsher penalties for rape (including pack rape), for intimidatory or coercive conduct leading to sexual intercourse, and assault of intellectually handicapped women and girls, especially where the offender is in a position of care or authority.

These reforms were proposed by the Violence against Women and Children Law Reform Task Force which reported to the Government in July 1987. They are expressed in legislation introduced in November 1987, namely:

Crimes (Personal and Family Violence) Amendment Bill 1987

Children (Care and Protection) (Personal and Family Violence) Amendment Bill 1987

Bail (Personal and Family Violence) Amendment Bill 1987

The NSW Domestic Violence Committee reported to the Premier in October 1987 on a Survey on Non-Spousal Family Violence.

Other Government initiatives include the establishment of a Domestic Violence Advocacy Centre, the appointment of Domestic Violence Contact Officers within the NSW police force; an ongoing Government funded multi-lingual community education campaign and funding of counselling services, emergency housing and 46 refuges throughout the State. Assistance programs specifically for Aboriginal women and women of non-English speaking background have also been developed.

NT Community Welfare Act

Justices Act

Juvenile Justices Act

Family Law Act (Federal)

Support services include counselling; emergency accommodation; resource centres and funding of women's refuges. There are currently 7 refuges in the NT, one of which is specifically for Aboriginal women.

There is very limited multi-lingual local information available in the NT despite a large migrant population, and few services exist in remote areas.

The NT Office of Women's Affairs has recently been directed by the Chief Minister to prepare a Submission on the issue of domestic violence to include legislative amendments and a public education campaign. (The amendments will be based on the SA model)

QLD Peace and Good Behaviour Act 1982

The Bail Act

It should be noted that the procedure for obtaining an intervention order in Queensland differs from that which is operative in other states. In Queensland, a complainant must first make a written complaint or oath to a Justice of the Peace, who then may make inquiries or receive evidence and may issue a summons or a warrant. The Court may then make an order.

Amendments to the Criminal Code of Queensland are currently being drafted to afford greater protection to married women who are separated from their spouse and who have instituted divorce proceedings or sought an order from the Court for personal protection.

Services available to Queensland women include the Women's Legal Service; Aboriginal Legal Services [which has a policy of not defending one Aboriginal against another]; the newly created Queensland Centre for Prevention of Child Abuse; Counselling Services, and Women's Refuges. Queensland currently has 36 refuges and 26 women's shelters. Community groups and the Church also provide a variety of support programs.

Few support services are available specifically for Aboriginal or migrant women or for women living in isolated areas.

The Queensland Government has recently appointed an Inter-Departmental Task Force to investigate, examine and report on domestic violence. The Task Force includes representatives of non-Government organisations, including women's refuges.

SA South Australia Justice Act

Amendment Act 1982

Community Welfare Act Children's Protection and Young Offenders Act

Services available in SA include, counselling and legal advocacy; specific training in the area of domestic violence for members of the police force and other professional carers such as social workers; community education programs similar to the NSW programs referred to above including the provision of services to perpetrators. The SA

government also provides funding for 4 women's community health centres, a Sexual Assault Referral Centre, a Crisis Care Unit and a Women's Information Switchboard. A pilot Domestic Violence Service has also been funded. Emergency housing and 12 women's refuges/shelters, including a Migrant Women's Emergency Service and Aboriginal women's shelter are also provided. A $100,000 multilingual community education campaign against domestic violence is to be conducted in 1988.

TAS Justice Amendment Act 1985

Child Protection Act

Services available include Community Legal Services; Aboriginal Legal Services; inclusion of domestic violence into police training programs; a Crisis Intervention Unit; Sexual Assault Service and Women's Shelters. A mobile direct contact crisis intervention service, working in co-operation with the police, is provided in situations of domestic assault and an after hours service is provided seven nights a week. Twenty-four hour telephone counselling services are also available. Little emergency housing is available and domestic violence victims are not given any special consideration although most women leaving refuges do qualify for priority housing. Tasmania currently has 5 women's shelters. A post-crisis follow-up service is provided to ensure that clients gain access to any legal or other support services required.

No special programs for Aboriginal or migrant women are available and very few services are available to people in remote areas of the State.

The Government is to introduce a Bill during the present session of Parliament to amend the law relating to domestic violence. The Bill will give greater protection to victims and clarify legal procedures.

VIC Crimes Act 1958

Summary Offences Act 1966

Community Services Act

Children's Court Act 1958

Crimes (Sexual Offences) Act 1980

Crimes (Family Violence) Act 1987

The Bail Act 1977

Services include Legal Aid; Aboriginal Legal Service; The Community Policing Squad - formed in 1981 to assist families in crisis; inclusion of domestic violence issues in police training courses; the community-based Domestic Violence and Resource Centre established in 1986, telephone information and referral services. A Women's Health program was established in 1986/87 and services for adult and child victims of sexual assault have been considerably expanded in recent years. Under new policy guidelines victims of domestic violence are to be given priority along with homeless women and women with health problems for emergency housing.

Victoria currently has approximately 30 women's refuges, including 3 specifically for Aboriginal women and 2 for migrant women. There are also a considerable number of ethnic services available to victims of domestic violence, for example, the Australian Greek Welfare Society. The Aboriginal Women's Refuge provides counselling and support to any Aboriginal woman who needs shelter or assistance.

WA Justices Act 1902

Justices (No 2) 1982

The Bail Act 1982

Child Welfare Act

Community Welfare Act

Services provided include counselling, in-service training for members of the Police Force; legal advocacy; telephone information and community education programs. The Aboriginal Medical Service offers medical assistance to Aboriginal people throughout the State and the Crisis Care Unit of the Department of Community Services provide a 24 hour crisis intervention service for victims of domestic violence. A similar service is provided by the Sexual Assault and Referral Centre.

Emergency housing is available to domestic violence victims and women experiencing domestic violence may apply for permanent public housing on a priority basis.

There are currently 23 women's refuges in WA for domestic violence victims, seven of these are in country areas. In addition, there are 7 half-way houses located in Perth. Whilst specific refuges exist for Aboriginal and migrant women these services are generally inadequate and few bi-lingual or bi-cultural workers are employed in mainstream services for victims of domestic violence. Because WA is such a vast State few services exist for women in remote areas.

Article 7 (a) **"State Parties...in particular, shall ensure to women, on equal terms with men, the right: To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;"**

p. 49 para 3

The 35th Parliament has 17 women in the Senate and 9 in the House, that is, 22 per cent of Senators and 6 per cent of Representatives are women.

There are currently three women Ministers in the present Federal Government. One has Cabinet ranking. The present Ministers portfolios are:

- Special Minister of State, Minister Assisting the Prime Minister for the Status of Women and for the Bicentenary, and Minister Assisting the Minister for Community Services and Health;
- Minister for Local Government; and
- Minister for Defence Science and Personnel.

As noted on page 50 of Australia's Report portfolios previously held by women have included Finance, Education and Social Security.

Other Federal Parliamentary Offices currently occupied by women include:

- Speaker of the House of Representatives
- Federal Parliamentary Leader of the Australian Democrats' Party
- Opposition Whip and Deputy Opposition Whip in the Senate
- Deputy Leader of the National Party in the Senate
- Shadow Special Minister of State and Status of Women
- Opposition Spokeswoman on Social Security, Administrative Services, Consumer Affairs, Primary Industry and Communications
- Opposition Spokeswoman for Immigration, Local Government and Ethnic Affairs and for Arts, Sport, Tourism and Territories.

As at October 1987, there were 26 women in States' Upper Houses and 30 in the State and Territories Lower Houses. This means that women constitute 16 per cent of Upper Houses and 6.8 per cent of the membership of the Lower Houses. Although these figures are still low there has been a gradual increase in the number of women within State parliaments.

With the exception of the Northern Territory, all State governments have at least one woman in the Cabinet or Shadow Cabinet. Parliamentary Offices, for example, President of the SA Legislative Assembly, are held by women in all States except Queensland and Tasmania.

Article 7 (b) **"State Parties ... shall ensure to women, on equal terms with men, the right: to participate in the formulation of government policy ... to hold public office and perform all public functions at all levels of Government."**

p. 55 para 3

Between June and August 1986, the former Office of the Public Service Board conducted the largest equal employment opportunity (EEO) survey undertaken in Australia, covering all staff in Federal government departments and agencies staffed under the Public Service Act. Amongst the findings of the survey it was reported that while women occupy about 43 per cent of Australian Public Service (APS) positions, a high proportion work in traditional female occupations, with relatively low pay and limited career prospects. For example, 46 per cent of women (compared with 10 per cent of men) work in the clerical assistant and keyboard structures. Representation of women in other occupations, while increasing, is still low with women comprising 9 per cent of technical staff, 17 per cent of professional science/engineering positions and 4 per cent of trades staff. As at December 1986 women occupied only 6 per cent of senior executive staff (SES) positions and 11 per cent of senior clerical administrative positions. Studies have shown that women continue to progress more slowly than comparable men to senior levels.

p. 57 Appointment to perform public functions.

Although women continue to be significantly under-represented at senior levels within Australian Courts, there has been some improvement and over recent years in the total number of women in both Federal and State jurisdictions. At the Federal level, one of the seven High Court Judges is now a woman, and six of the fourty-three Family Court Judges (including the Chief Judge) are female.

In the States, New South Wales currently has one female Supreme Court Judge, women also hold County Court and District Court positions in four of the six States. The number of women in the magistary is also increasing and the Northern Territory Chief Magistrate is female. Women are also represented in the Industrial Courts of New South Wales and South Australia.

Although the proportion of women law students has risen from about 10 per cent in the late 1960's to about 50 per cent at the present time, less that 8 per cent of Australia's 2600 barristers are women. Less than 5 per cent of the Bench (from magistrates to High Court Judges) are women.

In NSW 85 or 9 per cent of total barristers practising at the Bar are women. 1069 or 16 per cent of total lawyers in private practice are women.

In the ACT 11.3 per cent of partners in private law firms are women; in Tasmania 3.6 per cent of partners in private firms are women.

The 1981 Census figures (latest available) for the occupational group incorporating Judges, Magistrates, Barristers, Solicitors and Legal Officers show the following breakdown:

State	Group Total	No's that are Female
ACT	409	76
NT	163	19
TAS	416	35
WA	955	118
SA	1113	187
QLD	2355	174
VIC	4986	624
NSW	7122	758

p. 58 Register of Women

Work to upgrade the Register of Women began in 1985-86 with the development of a new electronic index. The emphasis for 1986-87 was on increasing the number of women registered in the fields of business, science and technology, and trade unions. At the end of June 1987, records were held for over 1600 women and in August 1987 about 170 women occupied 15 per cent of available appointments to statutory appointments and authorities. A campaign to further raise public awareness of the Register was launched by the Minister Assisting the Prime Minister for the Status of Women in October 1987.

Article 7 (c) "State Parties ... shall ensure the right: To participate in non-governmental organisations and associations concerned with the public and political life of the country."

p. 59 para 6

> Recent research shows that 47 per cent of women (in comparison to 63 per cent of men) are trade union members. This proportion is almost double the 1968 figure of 25 per cent female membership.

p. 60 para 3

> In September 1987 the ACTU congress adopted rule changes to give three seats on the ACTU executive to women union officials, in addition to any they might win in their own right.

Table 7.4 P. 64

A Trade Unions - Proportion of Total Employees by Sex

End of December	Number of Members ('000) Males	Females	Persons	Proportion of total employees Males	Females	Persons
1983	2007.2	978.0	2985.2	61	47	56
1984	2041.2	987.3	3028.5	61	45	55
End of June						
1985	2121.6	1032.6	3154.2	65	46	57
1986	2126.5	1059.7	3186.2	63	44	55

B & C no further information yet available - however, note that the TOTAL line table c (P. 65) should read:

1706.9	860.7	2567.6	3194.4	1993.4	5187.9	53	43	49

Article 8 **"... the opportunity to represent Government at the international level and to participate in the work of international organisations."**

p. 66 As at June 1987 figures related to the participation of women in overseas and international affairs had improved substantially.

Of the 850 Australian based Department of Foreign Affairs and Trade staff serving overseas 305 or 35 per cent were women. 59 or 19 per cent of these were above clerical assistant level, and 3 were of Senior Executive Service or equivalent level. Of the 38 Australian International Development Assistance Bureau (AIDAB) staff and experts overseas, 9 or 24 per cent are women.

The creation of an effective system of increasing the representation of women on Australian delegations to international conferences etc, has been identified as a priority for 1987/88. Assignment of women to conference posts such as New York and Geneva has continued to increase with women currently comprising 7 or 20 per cent of the 34 political officers at these posts.

Article 10 **"State Parties shall take all appropriate measures .. to ensure .. equal rights .. in the field of education."**

p. 70 Since the Labor Government took Office, participation by women in higher education has increased from 3.4 per cent of the population to 3.8 per cent, and in Technical and Further Education from 6.8 to 7.7 per cent. In 1987 women comprised 47.4 per cent of students enrolled in universities, compared with only 30 per cent in 1971; and in colleges of advanced education women comprised 52.4 per cent of enrolments in 1987. By 1986 52 per cent of girls stayed on at school to year 12. This is a marked improvement compared to the 40 per cent retention rate in 1982 and 30 per cent level in the early 1970s.

In 1984 a Working Party to the Schools Commission published the report 'Girls and Tomorrow: The Challenge For Schools' which reviewed action to improve the education of girls over the previous decade. It concluded that the development of a comprehensive national policy on the education of girls was urgently needed to bring about the fundemental changes necessary to improve schooling and its outcomes for girls. In 1986 the then Minister for Education obtained endorsement in principle from the Australian Education Council (AEC) - with Queensland abstaining - for the framework outlined in the School Commission's Interim Report: 'A National Policy For The Education of Girls in Australia'. The final report on the National Policy was endorsed in September 1987.

That endorsement by State education authorities and non-government schools will help ensure that agreed objectives on girl's needs will be addressed throughout Australian schools.

As part of the national program the Commonwealth plans, in co-operation with the States, to foster a number of initiatives in the identified policy priorities areas of maths, science and technology, school and work, and related careers education and counselling. These include a Plan of Action for women in tertiary education and the adoption and implementation of particular strategies for women in technical and further education colleges and higher education institutions.

The National Aboriginal Education Committee (NAEC) is the Government's principal policy adviser on Aboriginal education. The Committee's membership of 21 is composed entirely of Aborigines and Torres Strait Islanders and efforts have been made to ensure that women constitute 50 per cent of membership.

In 1986 the NAEC established a Sub-Committee for Women and Girls to look at all facets of education. Major tasks have included liaison with the Commonwealth Schools Commission to ensure an integrated approach in the development of a National Policy for the Education of Girls, and developing an Action Plan for women with a view to establishing a framework of practices and standards to ensure equal opportunity for advancement.

The Government supports the education of disabled children under the Special Education Program which is administered by the Commonwealth Department of Employment, Education and Training. This program aims to improve the quality and coverage of educational and related services to children with disabilities by supplementing the funding of special classes, units, centres and special schools; by assisting the integration of disabled children into regular schools; and by funding education programs for children with severe disabilities, children in residential institutions and below school age children with disabilities.

p. 71 para 4

In Queensland, a senior education officer now deals full-time with policy development and advice relating to implementation of the Department's policy of equality of opportunity in education.

p. 72 para 2

Equal employment units have been established in the Education Departments of States and Territories and initiatives in education have been given considered attention in over recent years. For example, the Tasmanian Education Department has:

- reviewed its 1979 policy statement on equal opportunity for boys and girls in schools;
- established a Working Party on Equal Opportunities for Women and Girls and a State Advisory Committee for the Education of Women and Girls;

- appointed (in 1986) a full-time gender equity in schools officer;
- established a full-time project officer position to encourage and assist the participation of girls in science, maths and technology;
- established a secondary school physical education and girls project;
- operated, during 1987, a Gender Equity in Primary Schools project funding program; and
- developed a 'Girls In Education' High School cluster program.

In Victoria the Ministerial Advisory Committee on Women and Girls which identified specific policies and activities which focus on the needs of girls at school including;

- girls participation in maths, science and the technologies;
- non-sexist curriculum development; and
- affirmative action programs in the areas of primary education and sport.

Article 10 (a) "The same conditions for career and vocational guidance, for access to studies ... this equality shall be ensured in pre-school, general, technical, professional and higher technical education ..."

p. 72 para 6

Preliminary figures for retention rates to the final year of school in 1986 showed a national average of 52.1 per cent of female students stayed on to Year 12 compared with 46.0 per cent of males.

p. 75 para 5

In 1987, 50.1 per cent of students in higher education were female - an increase of 10 per cent over the period 1975-1986.

p. 76 para 1

By 1986 the female proportion of university students in medicine, veterinary science and law were 42 per cent, 49 per cent and 43 per cent respectively. This represents a slight increase on 1982 figures.
Female enrolments in engineering/technology have remained steady, with women accounting for 7.5 per cent of students enrolled in Engineering at Universities and 3.9 per cent of students enrolled in Engineering at Advanced Education Institutions.

p. 76 para 3

In 1986 34.9 per cent of higher degree students in Universities and 23.7 per cent of high degree students in Colleges of Advanced Education were female.

p. 76 para 4

Women continue to be disproportionately represented in the lower grades of academic staff within universities and in advanced education. In 1986, women represented 18 per cent of full-time teaching and research staff in universities but some 44 per cent of staff below lecturer level and only 4 per cent of professorial posts. In advanced education in 1986 women represented 27 per cent of total teaching staff and 47 per cent of staff below the level of lecturer.

In July 1987 a NSW female high school student was successful in her complaint to the NSW Anti-Discrimination Board that the subject choices available to her were less favourable than those available to her brother and that accordingly she suffered a detriment on the grounds of her sex in relation to a loss of scholastic, and eventual employment opportunities. The complaint represented a benchmark in determining whether differential courses for girls and boys was evidence of employment and education disadvantage for girls.

Article 10 (d) "The same opportunities to benefit from scholarships and other study grants."

page 80-81 The Secondary Allowance Scheme and the Tertiary Education Assistance Scheme are no longer separate entities but have been subsumed by AUSTUDY.

Persons receiving assistance under Austudy, as at 30 June 1987 (preliminary figures only) are:

(i) AUSTUDY: Tertiary (Previously Tertiary Education Assistance Scheme)

Total 107045	Males	49644	(46.4%)
Females	57401	(53.6%)	

(ii) AUSTUDY: Adult Secondary (Previously Adult Secondary Education Assistance Scheme)

Total 3664	Males	2033	(55.3%)
Females	1631	(44.5%)	

(iii) Austudy Secondary (Previously Secondary Allowance Scheme)

Total 73313	Males	35532	(48.5%)
Females	37781	(51.5%)	

(iv) Assistance For Isolated Children

Total 20665	Males	11317	(54.8%)
Females	9348	(45.2%)	

For the period 1/1/86 - 31/12/86

(v) Post-graduate Awards schemes

Total 2437	Males	1584	(65%)
Females	853	(35%)	

For the period 1/1/87 - 30/6/87

Article 10 (f) "The reduction of female student drop-out rates and the organisation of programs for girls and women who have left school prematurely."

p. 82 paras 4 & 5

As noted at Article 10 (a), retention rates for female students undertaking the final year of schooling continue to increase. In 1982 some 40 per cent of girls (as compared to 33 per cent of boys) remained at school until the final year. Preliminary figures for 1986 show an increase of 12 percentage points - to 52.1 per cent of girls (as compared to 46 per cent of boys) staying on at school. Figures for participation by age show that 41.4 per cent of 17 year old girls (as compared to 37.8 per cent of 17 year old boys) were in school.

p. 83 para 3

In 1986 women accounted for 48.2 per cent of all mature aged students in higher education in Australia - an increase of 6 percentage points since 1982 and 22.2 percentage points since 1975.

Action by the Commonwealth to encourage women back into education and training has incorporated the following:

- means tested income support for adult matriculation and re-entry programs as well as for formal courses in technical and further education and higher education;
- special entry arrangements including for specially disadvantaged women such as Aboriginal women;
- the provision of support services such as child care or assistance for child care;
- the provision of labour market training programs.

Article 11 **"State Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment ..."**

p. 87 - para 3

The changing role of women in Australian society is characterised by a massive upsurge in the proportion and number of women who work in paid employment. This is due to changing social attitudes and values which are reflected in statistics which demonstrate conclusively this fact.

In 1947 8 per cent of all married women and 25 per cent of women overall were in the labour force (employed and unemployed). By 1966 these figures had increased to 29 per cent and 36 per cent respectively.

At September 1987 the female participation rate was 49.1 per cent compared to 44.5 per cent in April 1983.

The September 1987 participation rate of married women with children aged 14 years or under was 55.4 per cent, an increase of 23 percentage points since 1982, while the rate of married women with dependent children (under 15 years of age or full time students aged 15-20) increased from 46 per cent in 1984 to 55.7 per cent in July 1987.

At the same time the participation rate of single women with children aged 0-14 was 42 per cent and those with dependent children was 44.4 per cent.

p. 88 At September 1987 there were 1,120,700 women employed part-time. This represented 39.1 per cent of all employed women and 78.3 per cent of all part-time employees.

At March 1987 there were 518,200 women who, although not officially counted as unemployed, wanted to work and were available to start work within four weeks but were not actively looking for work. Of these 518,200 women, 235,500 (45.4 per cent) of them gave family considerations as the reason they were not actively looking for work. 'Family considerations' were broken down as follows:

Reason	No. of Women	%
Ill health of other than self	11 700	5.0
Unable to find suitable childcare	67 600	28.7
Children too young/preferred to care for children	116 100	49.3
other Family Considerations	40 000	17.0
	235 500	100.0

p. 89 - para 5

At February 1986, the participation rate for women with degrees was 74.6 per cent, compared to 58.7 per cent for women who attended the highest level of secondary school available and have not got post-secondary qualifications, and 38.1 per cent for those who did not attend highest level of secondary school available.

29.7 per cent of females aged 15-24 years in the labour force had post-school qualifications, compared to 26.1 per cent of males in the same age group.

46.4 per cent of females aged 25-44 years in the labour force had post-school qualifications compared to 54.0 per cent of males in the same age group.

p. 89 - para 5

As noted in Australia's Report, the Australian workforce is extremely segregated by sex. At May 1986, 63.6 per cent of working women (compared to 20.8 per cent of men), were employed in the three major occupational groups of clerical, sales and services. At August 1987 following reclassification of occupational groups under the Australian Standard Classification of Occupations (ASCO) in August 1986, 54.2 per cent of women (compared to 15.8 per cent of men) were employed in the two major occupational groups of clerks and salespersons. At August 1987, the classification of employees by industry shows that 29.5 per cent of women were employed in community services; 21.9 per cent in the wholesale and retail trade; 12.8 per cent in finance, property and business services; 10.8 per cent in the manufacturing industry and 10.0 per cent were employed in recreation, personal and

other services. The remaining 15 per cent of working women were employed in the other seven major industry divisions.

At August 1987 19.0 per cent of working women (compared to 18.3 per cent of men) were employed in the two major occupational groups of professionals and para-professionals. These two ASCO groups bear the closest resemblance to the previous Classification and Classified List of Occupations (CCLO) of professional, technical etc. revised in November 1980. At May 1986 (the latest available CCLO figures prior to ASCO) 18.7 per cent of working women (compared to 13.7 per cent of men) were employed in the major occupational group of professional and technical etc.

It should be noted that many women employed in the manufacturing sector, are in the traditional, labour intensive industries which have been most severely affected by economic downturn. The Government has recognised that successful restructuring of such industries must take into account the particular features of the workforce involved. Accordingly, as part of its strategy for the textiles, clothing and footwear industries, the Government has included measures to meet the needs of married and migrant women. A retraining and re-employment package is to be introduced from 1 January 1988, to assist workers affected under the restructuring plan for these industries.

Programs which have been developed recently to encourage women's involvement in non-traditional areas of study and employment include:

- the Commonwealth Tertiary Education Commission program to encourage women to enter science and technological courses and careers, particularly engineering; and

- the Women in Science Project (WISP) which CSIRO conducts to encourage girls to consider careers in science.

p. 90 - para 4

The following table shows the proportion and number of women (aged 15 and over) in the labour force who were born in the countries listed at page 90 of the Report. Unfortunately this same data for adult women only is not readily available.

Australian born	72.6%	(2 369 200)
UK and Eire born	8.4%	(260 700)
Yugoslav	0.7%	(20 700)
Vietnamese	1.1%	(35 100)
Polish	0.3%	(8 000)
Lebanese	0.2%	(6 800)

p. 91 - para 5

Data from the 1986 ABS Census of Population and Housing shows that a labour force participation rate of 36.5 per cent of Aboriginal women compared with 47.8 per cent of all women. A table outlining participation rates by States, for Aboriginal women and for all women (including Aboriginal women) is provided below.

	Aboriginal Women %	All Women %
NSW	38.8	47.1
VIC	45.0	48.7
QLD	35.9	45.7
SA	31.2	47.9
WA	39.5	49.2
TAS	46.3	45.5
NT	32.3	57.4
ACT	54.5	62.6

p. 92 - para 3

The Government's Aboriginal Employment Development Policy (AEDP) introduced in 1985 is designed to assist all Aboriginal and Torres Strait Islanders by co-ordinating employment initiatives across departments

The employment and training element of AEDP includes:

. Training for Aboriginals Program (TAP) which aims to improve training and employment opportunities for Aboriginal people by providing work experience, on-the-job training, formal training or a combination of on-the-job and formal training. While the major priority of TAP is training for jobs in the private sector, it also provides assistance to public sector agencies for Aboriginal recruitment and training strategies;

- Enterprise Employment Assistance (EEA) Program which provides wage subsidy support to certain Aboriginal enterprises, management training assistance to rural and remote community enterprises and community development projects; and

- Aboriginal Employment Action Program which will provide flexible assistance to encourage better recruitment practices in major national companies.

Other elements of the policy cover education programs especially provided for Aboriginal people.

The participation by Aboriginal women in the various training courses is only 35 per cent overall. During 1986-87, 10 554 Aboriginals commenced training, 3786 of these were women. Intakes for training in the public sector, however, saw Aboriginal women represented equally with Aboriginal men.

Special measures will be implemented in 1987-88 to improve the participation and quality of assistance to Aboriginal women. These include the development of discrete training and development projects, and enhanced promotion activities to inform Aboriginal women of the opportunities available.

Disabled Women

Workforce participation figures for disabled women are not available.

In 1981 it was established (Australian Bureau of Statistics survey "Handicapped Persons in Australia 1981") that women with a disability have a significantly lower workforce participation rate (28.4 per cent) than men with a disability (49.3 per cent) and both men (87.1% per cent) and women (52.7 per cent) without a disability.

In June 1987, 9.3 per cent of people registered as unemployed were disabled; of these 2.2 per cent were female.

6 per cent of women in the Australian Public Service (APS) reported a disability in the 1986 Equal Employment Opportunity (EEO) Survey. There are currently about 71,000 women in the APS, therefore the absolute number of women with disabilities is estimated at about 4,300 or 2.5 per cent of total APS employment.

Article 11.1 (c) "The right to free choice of profession and employment ... including apprenticeships, advanced vocational training and recurrent training."

p. 95 - para 6

The current employment policies of the Australian Defence Force (ADF) have a differential impact on women and men. While the Sex Discrimination Act 1984, does not prohibit the exclusion of women from combat and combat-related positions, the Act does prohibit discrimination against women in relation to other employment in the ADF and steps are being taken to increase women's employment in the remaining ADF occupational categories. In line with government policy the ADF is also continuing to review employment opportunities for women in the Defence Force.

Following the proclamation of the Sex Discrimination Act and new defence force employment policies in 1984, the number of women in the defence force has increased steadily to some 6,000 or 8.6 per cent of total enlistments. This represents a doubling of female enlistments over the period 1983-1987. In addition, about 21,750 or 35 per cent of positions in the regular component of the ADF are now open to women in competition with men, compared with only 8 per cent of positions in 1983. 6,000 of these positions are in non-traditional technical areas. As at July 1987 224 women were employed in engineering trades, which is an increase of 17 per cent since July 1986 and 57 per cent since 1984.

Individual Services are also continuing to examine restricted categories of employment and seeking further avenues to expand employment opportunities for women. In the Navy, women are now employed on oceanographic and hydrographic ships, and on the training ship HMAS Jervis Bay when these ships are used in non-combat roles. Within the Army, another apprenticeship trade has been opened to women - that of motor vehicle mechanic. The Air Force has identified 18 pilot positions with the VIP fleet, two instructor pilot positions, four loadmaster positions and seven VIP navigator positions as open to women. The availability of these positions is subject to the employment of a sufficient number of combat aircrew for the combat aircraft first. The first four women pilots commenced training in January 1987.

p. 94 - para 4

In a landmark case before the Equal Opportunity Tribunal of New South Wales, 34 women who were either current or former employees of Australian Iron and Steel Pty Limited (AIS) lodged a total of 55 complaints alleging discrimination on the ground of sex by AIS.

The complaints referred to employment practices by AIS, in particular job vacancies for women, threat of retrenchment and actual retrenchment. These complaints could be summarised as follows:

1. When women applied for jobs as ironworkers, they were placed on a waiting list and in some cases had to wait more than three years before being employed. Men, on the other hand, were employed in similar positions with little or no waiting.

2. AIS announced that it would be making retrenchments and would do so by using a system known as reverse gate seniority, that is "last on, first off". The complainants claimed that this method discriminated against women because they had had to wait much longer than men to obtain their jobs and therefore had less comparative seniority, with the result that a higher proportion of them would be retrenched.

Statistics, including results of a survey of employment patterns within AIS were examined. It was found that between 1 June 1977 and April 1980, only 1.35 per cent of all ironworkers recruited were women (although the percentage increased after that date). Evidence was also given of sexist attitudes by senior company officers and sex segregation in job classification. Even after April 1980, a longer waiting time remained.

The Tribunal held that discrimination against the women had occurred and included in their finding that the reverse gate seniority retrenchment policy amounted to indirect discrimination against women.

Women are also increasing their representation among the more senior levels of the Forces, and the number of women holding the rank of Major equivalent or above has increased by 47 per cent to 155 since 1984.

The number of women applying to join the ADF, as a proportion of total applicants, has increased from 9 per cent in 1983 to approximately 20 per cent at present.

p. 96 - para 6

As at 30 June 1986 the number of female apprenticeships was 16,000 or 12.2 per cent of the total number of apprentices. This represents an increase in the total number of female apprentices of some 4090 or 34.3 per cent since 1982-83. Although hairdressing continued to account for the majority of female apprenticeships (some 63.1 per cent), the proportion of female apprenticeships in areas other than hairdressing increased from 2.1 per cent in 1982-83 to 4.5 per cent in 1986. Females accounted for 8.2 per cent of the total number of apprentices in the field of food and 7.8 per cent in the field of printing.

Under the Special Apprenticeship Training Scheme, the Disabled Apprentices Wage Subsidy Program provides a subsidy to employers who apprentice a disabled person.

Legislative Restrictions and Awards

Federal

In October 1986 a conference was convened by the Office of the Status of Women in association with the National Occupational Health and Safety Commission (Worksafe Australia) on legislative and award restrictions to women's employment.

The objectives were to:

- identify changes that should be made to restrictive provisions in legislation, regulations, and awards, in order to eliminate discrimination against women in employment, having regard to the occupational health and safety implications of proposed changes; and

- agree on a firm timetable for implementing these changes.

Three occupational health and safety issues were also addressed - manual handling, lead processing and shiftwork. It was agreed that the National Commission should investigate the discriminatory aspects of existing laws and awards in these areas and develop national codes of practice and/or standards which could eventually be adopted into State and Federal legislation.

Draft Codes of Practice on Safe Manual Handling and Lead Processing have been prepared and are being considered. The issue of shiftwork has been referred to the Working Party on Priorities for the Revision and Review of Standards which will consider a position paper on the issue.

The Conference was attended by representatives of Commonwealth, State and Territories Governments (excepting Queensland and Tasmania), business, trade unions and other relevant organisations. It resulted in a commitment by the Commonwealth, State and Territory Governments, the ACTU and the Confederation of Australian Industry to aim for removal of restrictive provisions in legislation and awards by the end of 1988.

Following the conference, the OSW and the Women's Bureau jointly funded a comprehensive survey of Federal awards to identify provisions which differentiate on the basis of sex.

State Legislation

WA At the end of 1986 the Equal Opportunity Commission commenced a review of Western Australian Industrial Awards and Agreements. This has now been completed and a Report presented to the Premier in October 1987. The purpose of the Review was to identify discriminatory awards of State Acts to assist in speeding up the process of their elimination. Clauses in State awards that discriminate unlawfully on grounds of sex, race, marital status, pregnancy or religious or political conviction will be subject to the Equal Opportunity Act 1984 after 8 November 1987. S. 691 (e) of the Act which protected employees who discriminated on any of the above grounds in order to comply with a requirement of an Award was brought to an end by a sunset clause on 8 July 1987. Regulations were made to extend the deadline to 8 November 1987 to enable amendments to be made to discriminatory awards. Beyond that date employees claiming discrimination will be able to have cases conciliated by the Equal Opportunity Commissioner.

NT NT does not have any legislative restrictions on women's employment. Industrial awards are determined under Commonwealth jurisdiction.

ACT Not applicable.

VIC A review of legislation and employment awards has been completed and all identified discriminatory aspects have been, or are in the process of being, repealed.

SA The Equal Opportunity Act 1984 is deemed effectively to have repealed all discriminatory provisions in South Australia's industrial legislation, awards and agreements.

A review of all State industrial awards and agreements has been conducted and all outstanding discriminatory provisions clearly identified. These are shortly to be referred to the relevant employer and union bodies so that the provisions may be re-negotiated and rewritten.

NSW A review of restrictive provisions in State Awards in NSW was first undertaken in 1977. A further review commenced in 1985 and as at May 1987, 700 of the 1,000 awards had been examined. A mechanism and process of consultation with the parties to the various awards on the implementation of recommended changes is now under consideration.

On 14 May 1987 the Miscellaneous Acts (Sex Discrimination) Amendment Bill was introduced into the State Legislative Assembly. Unfortunately the Parliament rose before the Bill was passed and it has now been necessary to seek a further Commonwealth exemption of one year for particular legislative provisions which were sought to be rendered invalid.

QLD The Coal Mining Act 1925, The Mines Regulation Act 1964 and The Factories and Shop Act 1960 all contain restrictions on the employment of women in the areas of underground mining, lead processing and manual handling.

TAS The Industrial Safety Health and Welfare Act and The Mines Inspection Act 1968 prevent women from engaging in employment in lead processing works or underground mining. Both Acts currently have temporary exemption under the Commonwealth Sex Discrimination Act.

In October 1987, the Commonwealth Conciliation and Arbitration Commission handed down a landmark decision affecting the provision of award wages and conditions for Australia's 60,000 female outworkers in the clothing industry. The Federal Clothing Trades Award stipulates a minimum hourly salary, the provision of overtime and penalty payments, paid annual and long service leave and superannuation cover. Coverage for paid sick leave is expected to be available shortly. An in-built protection clause ensures the liability of employers for payment of wages. The decision came into effect on 5 November 1987.

Although remaining one of the lowest paid groups of workers in the manufacturing industry, the majority of outworkers are now entitled to the same wage and conditions as that afforded to factory workers. Introduction of the Award will result in the incidence of sweat shop exploitation faced by many women working from home, in particular, migrant women, being significantly reduced.

NATIONAL STRATEGY ON WOMEN AND THE LABOUR FORCE

p. 98 - para 2

A National Strategy on Women and the Labour Force is being developed to promote long-term organisational change in the labour force. The objectives of the strategy are to:

- develop policies which will enhance women's labour force status;
- improve the delivery of services to women seeking jobs;
- integrate and co-ordinate national strategies on labour market assistance to women;
- develop national policies and practices which will increase the participation of women in labour force training and employment programs; and
- develop policies and practices which will improve the quality of information available on women and the labour force.

Article 11.1 (d) "The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of the work."

In 1986 the Australian Council of Trade Unions (ACTU) lodged a 'comparable worth' pay claim with the Australian Conciliation and Arbitration Committee on behalf of the Royal Australian Nursing Federation (RANF). The case was treated by all parties as a test case, in relation to the wages paid in traditionally female occupations.

The ACTU argued that nurses' work had been under valued because it had been a traditionally female occupation, and that the sex of the workers had contributed to the valuation of their work. It argued that the application of the principle of equal pay for work of equal value, set out in the 1972 Equal Pay Decision, would enable wage rates for traditional female occupations in which sex bias could be shown to have affected the valuation of the work performed, to be increased.

Following consideration of submissions from (amongst others) the Federal Government, the Confederation of Australian Industry and the Council of Action for Equal Pay, the Commission handed down a decision rejecting "the notion" of comparable worth. Nevertheless, the Commission reiterated its commitment to the principle of equal pay for work of equal value and in the terms of its decision left the way open for future applications to be made. Equal pay arguments have formed an integral part of several nurses' pay cases presented during 1986 and 1987.

Women employed in paid workforce in Australia are still not accorded full equality of opportunity and treatment with their male counterparts. Discrimination against women on the grounds of sex persists in a number of forms. Despite two Equal Pay cases in 1969 and 1972 there is still a significant difference between the income of males and females. In the February quarter 1987, women's average weekly total earnings were only 65 per cent of men's. If part-time workers are excluded, and full-time adult employees are compared, women's average weekly earnings are still only 79 per cent of men's.

Women's lower earnings are partly due to the fact that women are concentrated in a small range of occupations and industries where earnings are relatively low, and are concentrated around the lower grades of any occupation. Women also earn less in over-award

payments, bonuses, overtime etc. Moreover many of the industries which have traditionally employed large numbers of women have been badly affected by the economic recession and structural change.

Average Weekly Earnings: May 1987

	Females	Males	F/M Ratio
Full-Time Adult Employees:			
Ordinary Time Earnings	$383.00	$461.70	83%
Total Earnings	$393.20	$498.20	79%
All Employees:			
Total Earnings	$299.00	$451.70	66%

At November 1986 the average weekly earnings for full-time adult employees in the construction, public administration and retail trades were:

	Females	Males	F/M Ratio
Construction	$343.10	$498.70	69%
Public Administration	$396.70	$473.40	84%
Retail	$318.80	$384.20	83%

Article 11.1 (e) "The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;"

p. 103 para 3

In December 1987 the Government introduced a family financial assistance package as part of its commitment to the welfare of the Australian family.

The Family Package, together with a new child support scheme are part of the action being taken by the Government to eradicate child poverty in Australia by 1990. The package is an historic initiative and one which firmly places the issue of child poverty at the centre of the Government's Agenda. Amongst the measures introduced are:

- doubling of the mother's guardian's allowance;
- increase in tax rebates for families with children;
- liberalisation of income testing for receipt of the family allowance supplement - payable in addition to family allowance;
- increased payment for disabled and orphaned children.

All payments are indexed, with the majority being payable to the mother.

para 5

As at October 1987 women comprised 69.3 per cent of aged pensioners, 26.2 per cent of invalid pensioners, 94.5 per cent of sole parent pensioners and 27.1 per cent of unemployment beneficiaries.

The National Advisory Council on Social Welfare was established to provide expert advice to the Government on social welfare issues and to create closer links between the welfare community and the Government. The Council advises both the Ministers for Community Services and Social Security. Three of the Council's ten members are women. During 1985/86 the Council undertook a range of activities which were of particular relevance to women. Its deliberations focussed on the areas of income maintenance, emergency relief, child care, the Social Security Review, problems of the rural poor and aged care.

A Consultative Committee on Social Welfare operates in each State and Territory. During 1985/86 activities of the Committees covered a broad area, largely relating to service delivery issues.

The Human Rights and Equal Opportunity Commission has completed a review of sex discrimination in superannuation.

Article 11.2 (b) "To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances."

p. 107 para 4

As noted in the reservation expressed at pages 2 and 107 of Australia's Report, there are currently no benefits generally available to women which cover the period of maternity other than those advised.

The Australian Government's position on this matter remains unchanged.

Most women working in Australia are entitled to some kind of maternity leave. About 28 per cent of female workers are covered by Federal awards containing maternity leave provisions, and 66 per cent are covered by State awards.

The standard provisions for maternity leave in Australia stem from a 1978 Australian Conciliation and Arbitration Commission decision which awarded women in the private sector similar provisions to those available to women in government employment under the Maternity Leave (Australian Government Employees Act) 1973.

The 1978 ruling provided for a minimum of six and maximum of 52 weeks unpaid and unbroken leave to employees who had served at least 12 months with their employer.

All full-time workers and permanent part-time workers under Federal awards and most State awards are entitled to these minimum provisions. Casual and seasonal workers are not covered.

Commonwealth, Victorian and Northern Territorian public servants are entitled to 12 weeks paid leave and 40 weeks unpaid leave. NSW public servants are entitled to up to six weeks leave on full pay and six weeks on half pay, provided they return to work for at least 62 days. Tasmanians are not entitled to any paid leave, but, unlike most awards, they are allowed to take accrued sick leave of up to 12 weeks as part of their leave.

Employees of the Commonwealth, South Australia and the Northern Territory are also allowed parental leave. Since February 1985,

Commonwealth employees have been allowed up to 66 weeks leave without pay after the birth of a child. Fathers can take up to 40 weeks leave continuously or intermittently, and may take some of the leave at the same time as the mother of the child. Where both parents are Commonwealth employees they may share the parental leave entitlement, so long as no more than 66 weeks is taken in total.

Queensland public servants can take only unpaid leave and its is termed Accouchment Leave. There is no qualifying period.

In August 1985, the Arbitration Commission heard a test case on leave for parents adopting children. The Commission accepted the ACTU's submission that substantially the same provisions should apply to adopting parents as natural parents. So long as the adopted child is under five, has not been living with the parent previously, and is not a stepchild, the employee is entitled to receive the same provisions as those enjoyed by a pregnant employee.

Women not employed under an award (and about 5 per cent of working women fall into this category) are not formally entitled to maternity leave unless they live in New South Wales, which is so far the only State to enact any "safety net" legislation for maternity leave.

The NSW Industrial Arbitration (Amendment) Act, 1980, grants an entitlement to unpaid leave of up to 52 weeks to all women employed for at least 12 months with the same employer.

In other States, no such provisions yet apply to private sector workers who are outside awards.

A review of maternity leave provisions in the public and private sector with the view of identifying constraints on women awaiting themselves of leave and/or returning to the workforce on expiration of maternity leave was undertaken by the Australian Council of Trade Unions (ACTU) in 1986. The review included an examination of the feasibility of funding schemes for leave, including direct Government assistance, and the development of a labour market insurance scheme, and was to be linked with a test case on extended parental leave and special unpaid leave, together with the pursuit of national ratification of ILO Convention 156.

Article 11.2 (c) "To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities ... in particular through promoting the establishment and development of a network of child care facilities."

The Government's children's services and family support programs are designed to ensure that children and parents have access to quality children's services that are appropriate to their needs regardless of their income level, cultural or language background, disability or geographical location. The Government's child care program is considered an essential element of its equal employment opportunity and affirmative action policies.

The major focus of the program in recent years has been the significant expansion in the availability of child care places, especially long day care in child care centres and family based services for children of women in the workforce. By the end of 1988 the Government will have increased the number of child care places by 150 per cent to 110 000 places, thus meeting its 1984 election commitment outlined at p. 109 to establish an additional 20 000 child care places. Expenditure will have increased from $65 million in 1982-83 to $235 million in 1987-88.

The Government estimates that by the end of 1988 the Children's Services Program will meet 30% of the demand for formal child care for all pre school aged children with either both parents or a sole parent in the workforce. Combined with commercial child care services, 52% of latest formal child care needs are being met.

Apart from the major increase in the number of child care places available, the Government has also:

- implemented a policy of needs based planning for children's services so that new centres and additional places are located in areas of highest need;
- introduced an income-related fee relief system to increase the affordability of child care to low and middle income families;
- introduced a priority system of access to child care places to take account of relative need for services;
- redesigned the funding system for child care to provide greater equity between users; and

- made child care available to sole supporting parents undertaking training programs.

A focus for the future will be an emphasis on work-related child care centres located near to places of work. Private employers are being encouraged to contribute to jointly-funded ventures to establish child care services which would include places for the children of their employees.

Article 12.1 "State Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care ... access to health care services ... including those related to family planning."

A special Ministerial adviser on women's health was appointed in June 1987 to develop a national policy on women's health in co-operation with the Office of the Status of Women, Commonwealth and State and Territory authorities and women's health networks. The role of the adviser is to analyse the status of women's health in Australia, identify areas in need of attention and recommend national policy options.

A Commonwealth/State Co-ordinating Committee on Women and Health was established in 1985 on an informal basis to provide a mechanism for the exchange of information on women's health matters between the States and the Commonwealth and foster consultation and a co-ordinated approach towards womens' health policies and programs in areas of specific concern to women. The committee met approximately three times each year.

In September 1987 the Committee was reconstituted to become a subcommittee of the Australian Health Ministers Advisory Council (AHMAC) and expanded to include non government representation. The subcommittee will act as an advisory body to the Minister's Consultant in the development in 1987-88 of a national policy on women's health and will report to AHMAC on policy recommendations on women's health.

Within the new Department of Community Services and Health, the Medical Services Adviser in Women's Health and Family Planning provides clinical advice on health matters which specifically or particularly relate to women. The Women's Health Unit, together with the Medical Services Adviser, serves as an identifiable area within the Department which addresses women's health matters.

p. 113 - 114

Commonwealth assistance under Medicare towards the cost of medical and optometrical services is currently provided on the following basis:

- the Commonwealth contributes to the cost of out-of-hospital medical services for all Australian residents on the basis of its meeting 85 per cent of the Schedule fee (subject to the benefit not exceeding the fee actually charged), plus any further amount required to ensure that the gap (met by the patient) between the benefit and schedule fee does not exceed $20 for an individual item and that no person has to make gap payments exceeding $150 per annum;

- for medical services provided to hospital in-patients and day surgery patients under private care, the Commonwealth meets 75% of the Schedule fee with no gap limit on individual benefit claims. Public patients are not charged for treatment. (These benefit arrangements were introduced on 1 August 1987);

- practitioners may direct bill in respect of any patient where benefit is accepted in full payment;

- no charges are made for Commonwealth Medical Officer consultations or for the services provided by Commonwealth Pathology Laboratories;

- registered health organisations are required to offer gap insurance in their basic tables to cover the differences between 75 per cent and 100 per cent of the Schedule fee for medical services rendered to private patients in hospitals. With some exceptions, mainly in the compensation area, no other form of medical insurance cover, 'gap' or otherwise, is permitted; and

- all health insurance offered must comply with the community rating principle. Risk rated insurance is not permitted except under policies existing prior to the introduction of medical on 1 February 1984 under which guaranteed renewal rights exist.

Medicare is currently financed in part by a 1.25 per cent levy on all taxable incomes, with low income thresholds below which no levy is paid.

p. 115 - para 3

Women currently comprise about one quarter of the total membership of the National Health and Medical Research Council and its asscciated committees.

p. 116 - para 2

The Commonwealth Government's National Drug Education Program (NDEP) and the National Campaign Against Drug Abuse (NCADA), designed to reduce the incidence of drug misuse and combat the growing problems of drug abuse and addiction was established in 19.... Women have been identified as a target group for the campaign, and work is underway to determine the special difficulties that women may experience with drug use and to develop more relevant and needs-based programs for women. Over thirty projects of special interest to women were funded in 1986-87 at a cost of $1.2 million. These included emphasis on women and tranquillisers, alcohol abuse and special assistance to, and research into the needs of, drug dependent women who are pregnant and their offspring.

A special drug media and information campaign will be developed for women in 1987-88. Research is underway to identify specific targets for the campaign both in regard to the drugs to be addressed and the groups to whom the messages are directed. Another major research focus for 1987-88 is alcohol use and abuse by women.

p. 117 - para 2

The Government's rehabilitation services assist people with disabilities of working age to improve their independent living skills, obtain employment and/or return to household duties.

Prior to 1977 rehabilitation services were predominantly focussed on vocational goals and were available to recipients of social security payments only. These requirements, which limited women's access to rehabilitation services, were lifted in 1977 when legislative changes removed the necessity for benefit eligibility and enabled social as well as vocational rehabilitation to be provided.

The range of programs currently available to rehabilitation clients address a whole gamut of needs:

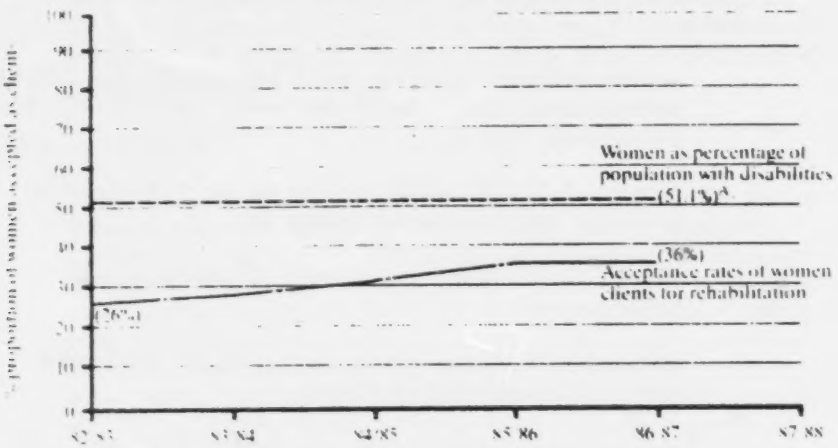
- independent living skills, such as improving communication, self-esteem, mobility and personal care;
- provision of aids or home modification to reduce reliance on others;
- skill training in basic literacy and numeracy;
- rehabilitation programs which address specific disabilities;
- vocational training in specific skills; and
- sponsorship of clients undertaking vocational studies.

The development of these programs has opened rehabilitation assistance to all clients, particularly those women clients who choose to undertake house-hold work and parenting in place of seeking paid work.

Since 1977 women's participation in rehabilitation programs has progressively increased. In 1982-83 women made up some 26 per cent of clients accepted for rehabilitation assistance; by 1986-87 women comprised 36 per cent of the approximately 4073 new clients accepted on rehabilitation programs. This represents a growth in acceptance of new female clients by almost 40 per cent over the three years. A total of nearly 2400 women have received rehabilitation assistance (including newly accepted and old clients) over the 1986-87 financial year. Women accounted for nearly one third of all clients who undertook rehabilitation in that financial year. The following graph shows the rise in the acceptance rate of women clients in rehabilitation over the last six years.

Several significant steps have been taken to increase women's access to rehabilitation services and to improve the provision of those services for women clients.

Rehabilitation services — Trends in acceptance rates of female clients



Notes: A Based on *ABS Survey of Handicapped Persons* 1981. As 51.1 per cent of handicapped persons are female, this graph depicts the most extreme scenario of women's need for rehabilitation. Handicapped people include those with mild, moderate and severe handicaps, not all of whom would require or be eligible for rehabilitation. A more accurate benchmark of women's need for rehabilitation may therefore be less than 51.1 per cent of handicapped persons.

p. 117 - para 6

In 1986-87 family planning funding was increased by $1 million to expand services with a view to assisting "at risk" or disadvantaged groups. As a result, special services for young people, migrants, Aboriginals and isolated communities have been funded in several States, including a project linked with the Royal Flying Doctor Service to provide family planning services to regions surrounding Broken Hill, Mt Isa and Port Augusta. Research was undertaken into use of the oral contraceptive pill, unemployment and teenage pregnancy and the fertility of migrant women.

Most Family Planning Association centres employ someone who deals, or can deal, with problems faced by disabled women. They also offer training for carers of the disabled.

Since 1971 there has been a 40 per cent decrease in the number of pregnancies amongst teenagers. A further decline in the number of unplanned pregnancies, reflected in a decline in birth rate and number of abortions in this age group, particularly amongst disadvantaged groups, is

expected as a result of expansion of existing services and establishment of new services.

The vast majority of Family Planning Association clinics' clients are women. Most clinical services provided by clinics relate to contraception and pregnancy testing. However, the current concern about sexually transmissable diseases, particularly the wart virus and chlamydia, has led to further family planning initiatives in the prevention of these diseases. Because it is particularly important to involve men in family planning decisions, the Queensland and Tasmanian Family Planning Associations have launched campaigns to promote male responsibility and condom use.

The Commonwealth Government has provided funds for preventive health initiatives for women. These include the evaluation and co-ordination of selected breast cancer screening programs in mature women, to determine the feasibility and cost effectiveness of national mammographic screening. An amount of $600 000 has been set aside for this purpose in 1987-88, increasing to $1 million in 1988-89. In the area of cervical cancer a program will also be undertaken, on a shared cost basis with the States, to establish and evaluate cervical cancer screening services, with an emphasis on women in rural areas. The cost of this project will be approximately $500 000 in 1987-88 and $1 million in 1988-89. The Commonwealth will contribute a further $2 million to these areas in 1989-90.

p. 118 - para 4

Under special arrangements introduced in 1986 which allowed women to receive four months supply of oral contraceptives on each prescription rather than two months, the cost of contraceptives remains at about $30 a year for most women and $7.50 for concessional beneficiaries.

p. 119 - para 2

The current concern about sexually transmissable diseases has led to a number of campaigns on the use of condoms.

In 1986-87 the Commonwealth allocated $11.7 million to combat AIDS. A national multi-media education advertising campaign designed to reach

all Australians was launched in 1986-87 and will continue into 1987-88. The campaign included material specifically addressed to women, and feedback from the 1987-88 advertisements will assist in better determining women's needs, and in the planning of programs more relevant to women in the future.

p. 121 CURRENT LEGISLATION AND SERVICES RELATED TO ABORTION

ACT The Termination of Pregnancy Ordinance 1978 provides that abortions may only be carried out at a Health Authority Hospital Legislation concerning illegal abortions is covered by the Crimes Act (NSW) ss. 82 and 83.

NSW The situation in NSW is still as stated in the CEDAW Report.

WA The situation in WA is still as stated in the CEDAW report.

NT The situation in the NT is still as stated in the CEDAW report. There is no Civil Law regarding abortion it is covered by the provisions of the Criminal Code.

Most abortions carried out in the NT are on mental health grounds. Counselling takes place before and after abortion. No residency clauses exist in legislation therefore, abortions can be performed on interstate visitors.

VIC Abortion in Victoria is governed by Common Law under the Menhewnitt Ruling of 1969. This established that abortion is not unlawful under Section 65 of the Crimes Act if it is performed by a doctor to preserve the physical or mental well-being of a patient.

SA South Australia's abortion laws remain unchanged from 1983 (p. 121 of the CEDAW report). A review of Abortion Services in South Australia was conducted in 1986 and the Government is in the process of considering its recommendations.

TAS The legislative provisions outlined at page 121 of the CEDAW report are still current. However, the reference on page 122 that "nearly all women wanting a termination (in Tasmania) have to travel interstate" is no longer correct.

QLD The reference at page 121 of Australia's Report to the law relating to Queensland is no longer correct. The decision of McGuire, J. in the Crown Vs Baylis and Cullen (unreported) has provided a court decision which establishes the scope of lawful abortions as defined by Section 282 of the Queensland Criminal Code. It was held that there is no offence if the accused honestly believes that the act done was necessary to preserve the woman from some serious danger. This danger could include danger to life, and also to physical or mental health if the last dangers are more than the normal dangers of pregnancy.

This necessity principle means that the act must be both necessary and proportionate to the danger posed. As long as the decision to act is reasonably taken in the overall context, the test as to the existence of a necessity is subjective.

Article 12.2 "... State Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period ..."

p. 123 - para 2

In the period 1982-1984 (the most recent figures available), there were 42 direct obstetric deaths, around 6 per 100,000 births.

p. 123 - para 3

The Australian Institute of Health's National Perinatal Statistics Unit collects and publishes information on the frequency of harmful reproductive events, including any that may be associated with invasive ante-natal diagnostic techniques or in-vitro fertilisation and embryo transfer.

p. 124 - para 4

The cost of medical attendance at home births is now covered under Medicare.

p. 125 - para 1

The table below sets out the relative maternal death rates.

ABORIGINAL AND NON-ABORIGINAL MATERNAL DEATH RATES, 1979-1981

	DIRECT	INDIRECT	TOTAL
ABORIGINES			
Number of deaths	6	9	15
Rate	39.8	59.8	99.6
NON-ABORIGINES			
Number of deaths	48	25	83
Rate	7.2	3.7	12.4

Notes:

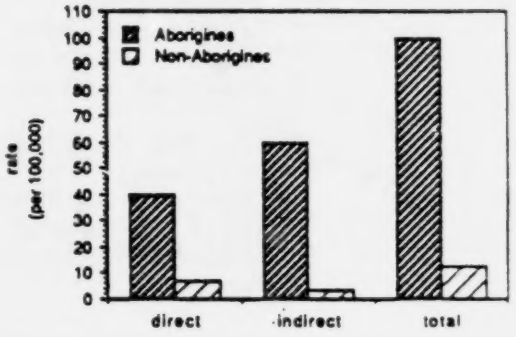
1. Rates are maternal deaths per 100,000 confinements.
2. Total Aboriginal confinements have been estimated by extrapolating known Aboriginal birth rates to the estimated total Aboriginal female population of child-bearing age.

3. Direct obstetric deaths are those resulting from obstetric complications of the pregnant state (pregnancy, labour and puerperium), from interventions, omissions, incorrect treatment, or from a chain of events resulting from any of the above.

4. Indirect obstetric deaths are those resulting from pre-existing disease or disease that developed during pregnancy and which was not due to direct obstetric causes but which was aggravated by the physiological effects of pregnancy.

5. Non-Aboriginal deaths include ten where the pregnancy was incidental to the death.

MATERNAL MORTALITY



- National reference: 1979-81 non-Aboriginal population
- Aboriginal rates: direct mortality, 453% above non-Aboriginal level, indirect mortality, 1516% above and total mortality, 703% above
- Data source: Commonwealth Department of Health (1986)

p. 125 - para 2

In the past Government policy has been to centralise childbirth facilities in regional centres throughout remote Australia and this policy has often not had regard to the cultural issues surrounding Aboriginal women and their babies.

The Federal Government is currently piloting an Aboriginal Women's Birthing Centre which aims to:

(i) preserve and recognise Aboriginal identity, cultural law and languages in relation to pregnancy, childbirth and aftercare of mother and child;

(ii) support Aboriginal women by providing information on pregnancy care and birthing; and

(iii) to reduce the maternal and infant mortality and morbidity in a culturally appropriate way.

p. 125 - para 4

In recent years inquiries into the regulation of IVF and related research (and consequential matters) have been held at both the State and Federal level.

The Medical Benefits Review Committee received a number of submissions seeking the introduction of a specific item in the Medicare Benefit Schedule to cover in-vitro fertilisation. The Committee considered it inappropriate at this stage to introduce such an item and recommended that Health Program Grants be made available to a limited number of centres for IVF.

In the interim, the Government has engaged Diagnosis Pty Ltd to report on the costs and sources of funding associated with IVF so that it will be better able to evaluate the Committee's recommendation. A final report is expected shortly.

A Bio-Ethics Committee was established in October 1987. Although membership of the Committee is yet to be determined, it is understood that women will comprise at least 50 per cent of the total membership.

A Genetics Manipulation Advisory Committee was also established in the latter half of 1987. Three of the 15 Committee's members are women, including the Chairperson.

LEGISLATION IN AUSTRALIA SPECIFICALLY DEALING WITH IVF

As at July 1986, only the State of Victoria has enacted legislation aimed to regulate the practice and procedures of IVF. However, five of the six State and both Territories had introduced or enacted legislation dealing with the legal status of children conceived by artificial conception techniques.

NEW SOUTH WALES

The first self-contained Australian statute dealing with the legal status of artificially conceived children was the Artificial Conception Act, 1984. It was passed in February 1984, received Royal Assent in March and commenced on 1 August 1984. It provides that when a husband consents to use of donor sperm to achieve his wife's pregnancy, he is presumed, for all purposes, to have "caused the pregnancy" and to be the child's father. Further, the sperm donor is presumed not to have caused the pregnancy and not to be the father, whether the recipient woman is married or not. Both these presumptions are irrebuttable. The Act specifically provides that references to "husband" and "wife" should include partners of opposite sex living together on a bona fide domestic basis.

VICTORIA

The Status of Children (Amendment) Act 1984 (Vic) was enacted in May 1984, and by arrangement with New South Wales also commenced on 1 August 1984. The Victorian legislation goes a step further than the New South Wales Act. In addition to creating a presumption of paternity which deems the consenting husband to have produced the fertilizing semen and to be the father, the Act provides an answer to the question of maternity when a woman gives birth to a child following implantation of a donated embryo or use of a donated egg. In this situation, the birth mother in fact bears no genetic relationship to the child. The Act provides an irrebuttable presumption that the birth mother is the mother of the IVF child; also, that the ovum donor is irrebuttably not the mother.

To date, Victoria has been the only jurisdiction to enact comprehensive legislation aimed directly at regulating IVF procedures. This legislation entitled the Infertility (Medical Procedures) Act 1984 (Vic) was enacted in November 1984, but, with minor exceptions has not yet commenced. At the present time only sections 1, 2 and 29 have been proclaimed to commence. The first two of these sections deal with preliminary matters (ie.

name of Act and commencement details), while section 29 provides for the establishment of a Standing Review and Advisory Committee, the functions of which include advising the relevant Minister in relation to infertility and procedures for alleviating infertility, and considering requests for approval of "experimental procedures" (ie. those procedures which involve carrying out research on an embryo which would damage the embryo, make it unfit for implantation or reduce the prospects of a pregnancy resulting from implantation of the embryo.) The committee was established and has been functioning since early 1986.

Once the Act is fully operating it will provide three means of regulating IVF:

(i) by limiting its practice to approved clinics and practitioners;

(ii) by limiting those who may have access to it; and

(iii) by requiring careful record and register keeping by both clinics and governments.

Access to IVF programmes will be restricted to legally married women, commercial surrogacy arrangements prohibited and all such arrangements, whether for payment or not, will be rendered void.

Current amendments to the Act provide that, experimentation will be permitted only when couples involved in an in-vitro fertilization program give informed consent regarding the use of all gametes. Accordingly counselling on all issues will be a requirement. Experimentation will only be permitted up to the point of syngamy in the fertilization process, which occurs in approximately the 22nd hour.

SOUTH AUSTRALIA

The Family Relationships Act Amendment Act, 1984 (SA) follows the scheme of the Victorian legislation in that it deals with presumptions of both paternity and maternity, providing that a woman who gives birth to a child is the mother of that child, and the husband of a woman who conceives following a medical procedure to which he consented shall be deemed to be its father.

The Act also contains a "sunset clause" which provides that it will not apply to children conceived after 31 December 1986.

A Legislative Council Select Committee of Inquiry into in-vitro fertilisation and reproductive technology was conducted during 1985. The Committee has reported its findings; there has been no further action as at the end of June 1987.

TASMANIA, WESTERN AUSTRALIA, THE AUSTRALIAN CAPITAL TERRITORY AND THE NORTHERN TERRITORY

All the above jurisdictions have "status" legislation in the same form as the Victorian Status of Children (Amendment) Act 1984. These are as follows:

- Status of Children Amendment Act 1985 (Tas) - proclaimed to commence on 28 November 1985;

- Artificial Conception Act 1985 (WA) - operative as from 1 July 1985;

- Artificial Conception Ordinance 1985 (ACT) - gazetted on 7 November 1985 - with effect from 3 February 1986;

- Status of Children Amendment Act 1985 (NT) - passed on 22 August 1985.

QUEENSLAND

Queensland is in the process of considering legislation on AI and IVF.

Article 13 (c) **"The right to participate in recreational activities, sports and all aspects of cultural life."**

(1) SPORTS

p. 129 - para 3

Women continue to have less opportunity to participate in most sports than men and are given less encouragement and less financial or other initiatives to do so. The facilities for women's sport and its status are almost always inferior to those of men.

The most widely publicised sports are almost entirely male-dominated and media presentation of women's sport continues to be proportionately less. There are still few women sports commentators.

There are a number of underlying reasons behind women's limited participation in sports activities. The most powerful of these would seem to be the idea that sport is 'unlady-like' and that playing sport deprives women of their femininity. These ideas are particularly pervasive among young women and they continue to influence women's ideas about sport as they grow older.

Women's physical capabilities are frequently regarded as being less than men's and, consequently, women's sport has often been labelled as unexciting. In fact, recent research has shown that the gap between men and women playing the same sports is rapidly narrowing and that women may one day surpass men in some sports, particularly endurance sports such as marathon running.

In order to address these issues the Federal government has introduced a number of measures. These include the drafting of a national policy on Women In Sport, the allocation of funds to establish a Women's Sport Promotion Unit and special assistance by the Australian Sports Commission (ASC).

The existing Task Force for Women's Sport, referred to at page 131 of Australia's Report, continues to co-ordinate, develop, implement and evaluate appropriate strategies and projects to promote women's sport.

For example, in three pilot programs which have been run, public relations consultants have been hired to work directly with sporting bodies to increase the profile of the particular sports, and to encourage greater participation through publicity and involvement with community service bodies. Other projects funded by the ASC have included projects relating to motivation into sport; AUSSIE SPORTS which is aimed at promoting a wider range of sporting activities for students in upper primary school, and the screening of all accredited coaching courses by the Australian Coaching Council for gender discrimination in materials, activities and procedures.

It should be noted that sports funded by the NSW Primary Schools Sports Association (p130 para 3 refers) are no longer divided on a boys only / girls only basis. Of the thirteen sports offered, seven are now available to both boys and girls (in separate competitions) and the remaining six are 'open' ie mixed, with trials involving both boys and girls.

In NSW High Schools only one sport, Netball, is offered exclusively for one sex - girls. As in primary schools the remaining 27 are either offered with both a boys' and a girls' competition, or open to both sexes through trial competitions.

Recognising the importance of sport to the health and well being of women and the way in which women have been disadvantaged in both access to sporting facilities and poor promotion of women's sport in the media, the WA Government in 1986 initiated a three year program to promote women in sport, and appointed a Women's Sports Media Co-ordinator to consult with Government media and sports associations with the aim of increasing the profile of women in sport. A Women's Adviser on recreation and sport was appointed in SA in 1987 to improve women's participation in all areas of fitness, recreation and sporting activity.

Disabled Women

The Commonwealth provides funding under the Program of Assistance for Sport and Recreation for Disabled People which equally benefits both males and females. In 1987-1988 $827,000 was allocated for sport and recreation under this program.

(2) CULTURAL LIFE

In 1977 the then Attorney General requested the Australian Law Reform Commission to review and report on whether it would be desirable to apply either in whole or part Aboriginal customary law to Aborigines either generally or in particular areas or to those living in tribal conditins only and in particular:

(a) Whether and in what manner, existing courts dealing with criminal changes against Aborigines should be empowered to apply Aboriginal customary law and practices in the trial and punishment of Aborigines;

(b) to what extent Aboriginal communities should have the power to apply their customary law and practices in the punishment and rehabilitation of Aborigines; and

(c) any other related matter.

The Commission's Report was completed in 1986 and its recommendations cover an extensive and frequently inter-linked range of laws and practices of Commonwealth, State and Territory Governments.

The Commission's proposals can be generally classified as follows -

. that traditional Aboriginal marriages be recognised as equivalent to Marriage Act marriages for the purpose of a range of Commonwealth and State legislation including for limited purposes, the Family Law Act;

. that traditional Aboriginal arrangements be recognised by intestate distribution of property and in testators family provision legislation;

. that criminal law, evidence procedure and sentencing take into account that, because of cultural reasons, "reasonable" behaviour is different for Aboriginals, and that Aboriginals often need special assistance when subject to police interrogation;

. that local justice mechanisms be examined; and that

. traditional customary rights to hunt, gather and fish be accorded legal status.

The need to ensure appropriate forms of protection and support to women (especially in the context of domestic violence) has been a major consideration in formulating measures for recognition of Aboriginal customary laws.

The Commonwealth Government is currently communicating with State and Territory Governments on the report in respect to their respective responsibilities in the process of determining its own position.

Australian Bicentennial

1988 commemorates the 200th Anniversary of permanent European settlement in Australia. The Australian Bicentennial Authority (ABA), established in 1980 to plan and co-ordinate a National Program of Projects and Events, is the main agency for Commonwealth participation in the Bicentenary.

The ABA has allocated $1.5 million for a Bicentennial Women's Program. Developed in consultation with the Office of the Status of Women, other government agencies and non-government women's organisations, the Bicentennial Women's Program aims to provide a special focus for women in the Bicentenary; demonstrate a sense of pride in the women of Australia; create an awareness of women's achievements and abilities and encourage women to participate in the Bicentenary. Particular emphasis has been given to the planning of the national program to ensure the participation of disadvantaged groups.

Components of The Program include:

- Grants to National Organisations for projects which achieve the goals of the Women's Program.
- Women's Community Celebrations Grants Competition.
- Women 88 Awards for Achievement.
- Women 88 Television Shorts.

Other Bicentennial Programs with elements specifically focussing on women include:

- the Education program;
- the Sport and Recreation program;
- the publications program;
- the Historic Records Search project; and
- the Arts and Entertainment program.

Article 14 "State Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families ...."

p. 136 - para 1

A study by the Bureau of Agricultural Economics in 1987 indicates that off-farm work is an important source of income. In 1985-86 the proportion of family farms where the operator worked off the farm was 14 per cent, while the proportion where the spouse worked off the farm was 17 per cent. Over the past ten years there has been little change in the proportion of farms with off-farm employment.

p. 140 - para 3

The Rural Women's Access Grants Program (RWAG) was established in 1986 to provide funds for small scale projects to improve the access of rural women to employment and services. Projects approved in 1986-87 included:

- a series of self-help care workshops to be run in the Eyre Peninsula;
- a community service industry conference in New South Wales; and
- a series of seminars about women in management in North-East Tasmania.

The 1987 Survey of Women in Rural Australia (see Article 14.2 (a)) will contribute to further development of policies and programs to meet the needs of women living outside the major cities.

Article 14.2 (a) "State Parties shall take all appropriate measures to eliminate discrimination against women in rural areas ...."

p. 140 - para 2

In 1986 a survey of women in rural Australia was carried out jointly by the Office of the Status of Women (OSW) and the Country Women's Association of Australia (CWA).

In the survey women were asked about the availability of services in their area and the priorities they perceived for establishing new services and expanding existing ones. They were also asked for their opinions on overall priorities among different forms of government expenditure, such as health services, roads, education services or public transport. In addition the survey sought relevant demographic information.

While the report on the survey's findings is still being finalised a number of key issues have emerged from the analysis. The problems identified can be categorised into a number of broad areas, namely:

- financial or economic problems;
- social, cultural and leisure problems;
- problems related to education;
- problems related to employment; and
- problems related to infrastructure.

Of these, rural women perceived financial problems and social, cultural, work and leisure problems as being the biggest obstacles facing them.

The survey found that a lack of education facilities in more remote country areas is seen as a legacy of limited resources being spread over vast, sparsely populated land areas. Technological change and economic trends were seen as being responsible for the lack of employment opportunities available on farms and in country towns. Many of the women showed concern at a perceived lack of Government programs in job skills, training and employment in rural areas. Infrastructure in country areas was also seen as inadequate, with roads being identified as a priority area for Government action.

In conjunction with the findings of the National Agenda, the rural womens' survey will offer useful guidance in the formulation of policies and in determining priorities for programs and services for rural women. A report on the survey is expected to be available towards the end of 1987.

Article 15.1 "State Parties shall accord to women equality with men before the law."

p. 143 The Western Australian government's Parliamentary Counsel's Office has adopted the practice of ensuring that gender neutral terms are utilised as far as possible when legislation is being drafted. For practical reasons, this has been limited to new legislation. In addition the State's Interpretation Act ensures that gender-specific language in legislation cannot lead to discrimination between genders.

Since 1985 all new ACT legislation and major amendments have been drafted in gender neutral language.

All new NSW, SA and Victorian legislation is drafted in gender neutral terms, including amendments of existing Acts.

The Northern Territory has a policy that legislation be drafted in non discriminatory language. Section 24 of the Interpretation Act provides that words importing the male sex shall also import the female sex and vice versa.